1889-90
(L. R.)

File No 20 of 89-90
Serial No 1-42.

Sub:- Boundary dispute
the Jodi ~~dispute~~ villages
of nallepparahalli and
Hanumanthapura in the
Malur Taluk

G. R. S. IX-5]

Previous references.

1885-90
~~192~~.
(L. R.)

Later references.

File No. 207 87

Serial Nos. 1-42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-42

Part B for March 1889

SUBJECT.

Boundary dispute between the Jodi villages of Nallappanahalli and Hanumanlāpur villages in the Malur Taluk.

To the Superintendent, Mysore Revenue Surveys and Deputy Commrs of Dists.

No. 6189-97/P.J. 147-92 dated 3-3-1889

—

Dismissing the appeal of Rama Sastri and others Jodidars of Nallappanahalli, Malur Taluk, re- the boundary dispute between Nallappanahalli and Hanumanlāpur Jodi villages

Cl. No. 42

WD 2233—GPB—20,000—14-6-26

Before the Government of Mysore.

Appeal No 129 of 1895-96.

Appellants:
1 Ramasastri
2. Lakshminarasimha Sastri
& others

Respondent:
Archak Ramachar.

Appellants not served.
Respts notice served on his brother.

1. 5. 96.

Case adjd on 2nd Appellants application.

Posted to the 2nd July —
RR 12/6
Notices issued
RR 13/6.

Adjd to 9th inst.
AS.
2/7/96

9-7-96.

Both parties in person
Applt heard. As parties said that
negotiations were going for effecting
a compromise adjd to their request
to the 30th instant.
RR

adjd to 31/7.
Appellants present, were informed
RR of this.

31-7-96.

Both parties in person
They stated that no compromise
was effected —
Order reserved —

13-2-99

1st appl allowed
2nd appl in part —
He was born
on the 9th of August
1856

August 1st came
to Court —
The month of S
is evidently a mistake
Read as August

13.2.99

GOVERNMENT OF MYSORE

Office-note

Letter No 1885/488 dt 3/11/95
from the D Commr, Kolar Dt

In 1884 the Poligar of
Hanumantapur (ie the Archak
as trustee) appealed to Govt
against the settlement of
boundary by the Survey Supt
between the Village
of Hanumantapur & the adjoining village of
Nallappanahalli. The
Govt remanded the case to
1894 the Survey Supt for a
fresh decision after recording
a finding on six specified
issues
In April 1895 the Survey
Supt passed his decision
the terms in reversal of
the previous decision &

save & Hanumanthu Pillai
the disputed land (84-22)
minus 12 acres 2 5-guntas
In July 1895 the Jordan of
Nallaspanahalli appealed
& Sol. against this decision.
After hearing the parties
Sol. x passed an order (S 24/1/95) x but not signed
confirming the Supt's
decision. Before the time
of this order, a petition
from the parties was received
stating that they had
agreed & a compromise
& praying that it might
be given effect &.
This pet[n] was sent &
Ds Comm[r] for recording
the statements of the
parties & marking in
the sketch the line of

x 12 - 9/5

division on the disputed
ground.
The line of division is
said & be CD (vide M[r]
Barker's Sketch, the last
paper in the Vernacular
Record). The line of
division according &
the Supt's decision (under
appeal) is the double-dotted
red-ink line.
Under the compromise,
the appellant (the Jordan
of Nallaspanahalli)
gets ~~nearly~~ [illegible] than
twice x what he got under
the Supt's decision (This
can be seen by a geometrical
construction on the figure which
is drawn & Scale)

The questions for [illegible]

are

(1) Whether the compromise effected by the parties may be recognized & given effect to

(2) Whether before the razinama filed by the parties is accepted, a reference to the Muzarayi Supt is necessary as the respondent (who is willing to give away a portion adjudged to be temple inam) is merely a trustee for a temple presumably under Muzarayi management?

In this connection attention is invited to the remarks of the 2nd Councillor on the petn & 26/1/98 (S No 34 of temple

16/11/98

N.B. The Ven Records contain the reports of Messrs Barker & Narayana Rao which contain the facts of the case

10157

It is a pity the order proposed by the Councillor was not adopted - I would the dispute & the matter was referred to a Court under the Act. The arrangement proposed is a compromise & the Muzarayi Supt to carry out

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 21-11-98
REG. No. 316
MUZRAI BRANCH

No. Pet S. 147-92 dated 18/19/11/98

Transferred to the Muzarayi Secretary & Supt for favour of an early report. The Jodi Village of Hanumanthapura is Inam to the temple of Sri Kodandaramaswamy which is presumed to be under Muzarayi management. The respondent who is the archak of the temple has agreed to a compromise under which the temple gets less than it did under the Survey Supt's decision

By order
[illegible]
Asst Secretary

17/11/98.

(8)

The order of the Survey Supt which has been appealed agt is correct & must be confirmed.

The mistake originally made with regard to the boundary line of these villages was due to a misconception of the finding of the Chf Court. The settling Officer of the New Survey Dept read the finding as declaring the possession of the land in dispute to have been with the Nallappanahalli Zodidars. This is not the proper construction to be put upon that finding. It left the question of ownership quite open.

Neither the Zodidars of Nallappanahalli nor the trustee of Hanumanderbetta produced any relevant record or other evidence bearing on the question raised by the parties. As suggested by Supt in Order No of the Survey Agst Court who enquired into the case after it was remanded very properly allowed himself to

be guided by the measurement list prepared by the Amildar of Malur during the Inam settlement. All the interested parties were present at the time and Nallappanahalli was represented by its Shanbogue. That document formed the basis of the area of the village accepted by the Inam Supt and it is unreasonable that the present Jodidars raise objections who bound by it. The Narayanadas has, from personal examination ascertained the correctness of the measurement list and identified the stones put up as boundary marks. He refers to a statement of the Jodidars of Boppanahalli according which the tri-junction stone marking the boundaries of Nallappanahalli Boppanahalli and Hanumanta pura is identified as stone No 7 at the point marked 3 & C in the sketch plan. The reasons for his rejecting the stone at point 4 are cogent and sound.

The fact that the Jodidars of Boppanahalli did not, in their statement presented to the Inam Supt, mention the Hanumanthapura as one of the northern boundaries of their village cannot affect the respondents in this appeal. It is possible that the omission is a mistake as was the statement of the Hanumanta pura trustee that Nallapanahalli was situated to the west of his village. These errors of description do not affect the real merits of the case which has been properly decided with reference to the measurement list of the Amildar.

This appeal is dismissed.

Submit W Abdul Rahiman Saheb Kds. 17.1.98

Sub'd to the Council 24/1/98

18/1/98

(General Serial No. 32.) 1890. (1)

201.

No. 1693

Name of Petitioner. Ramachary Archak of Kodandaramaswami temple at

Village. Yasavantapura

Taluk. Malur

District. Kolar

Date of Arzi. 1st November 1889

Date of Receipt.

Date of Disposal.

No. of Enclosures.

P.R. 16-91-1

70-87

Volume not available.

ABSTRACT.

States that the village Yasavantapura in the same taluk was granted as a Mahaljodi to the temple of Kodanda Ramaswami, that the area of land in the village as originally granted was 12 Kandies, but that at the Survey Settlement about 6 or 6½ Kandies of land out of the above extent have been unjustly added on to the Jodi village of Nallappanahalli, that

on his complaining
Survey Supt; he iss
to Petr endorsement
dated 1st April 1889
claiming to alter the
ment made by the
Settlement officer;
Prays for the resto
to him of the 6 or 6½
of land above ref

Survey Supts endorsem
No 28 dated 1st Apri
re ~~Letter~~ Report No 4
14th March 1889 hes
received from the S
ment officer Mr Sark
stating that the bound
fixed at the time of s
ment ("Mojani") were p
so, "the boundaries can
now be altered."

(The report referred to above
in English and gives a
statement of the whole c

M.K.B.
19-3-90

28/10/89

(12)

No 1693

(1)

(6)

pages 1 to 6

Register sheet No. 107

Village — Hanumantapura
Hobali — (Nahal Jodi)
Taluk — Malavalli
District — Kolar

1693.

By Order

Under Secretary

2/12/89 V.P.

(7) 13/12/89

Copy of the Inam Register of

Hanumantapura Inahal Jodi Village

Class, Extent and Value of the Inam

Description, Tenure and Document in support of the Inam.

1	2	3	4	5	6	7	8	9	10	11
Name of village or estate Holding under one Inamdar in this village	General class to which the Inam belongs.	Survey Numbers and Hissa of Field or Compound within the Inam Village. Dry. Wet or Garden.	Extent: Total Measure in words and figures as in Cowle or other Document.	Measure in words and figures of Actuals on ascertainment.	Where no Survey has been made and no Measurement Cowle or Pymaish &c. Exists, the Boundaries of the Inam should be given.	Whether Assessed or Unassessed	Description of Inam Whether it is to be held rent free or on Quit Rent and if the latter, the Amount & Sanction.	Whether Deed has been issued to Grantee, if so, date of issue. If not, the reason why.	By whom granted and in what Year	Whether Documents in support of the claim are original or Copies and all Miscellaneous Documents and Correspondence. Whether the Inam is held under the Inam Commissioner's Proceedings of 1862 or under Sanad Grant. Whether it is proposed to Continue the Grant on the same or other Conditions. Specify the Terms proposed. Reasons.
—	Devadaya	Dry Dedasth Jodi Inams— Remainder Particulars— Dwamboke cultivation Gayakhar bunger Salayakha bunger	Whole Ayakat— as per measurement made by Amildar in 1869.— A. cents 11-14-3 154·79 None— 11-14-3 154·79 0-1-4½ 0·84 1-12-14½ 21·75 5-0-0 66·10 5-0-0 66·10 11-14-3 154·79	Barazy Rupees 1-5-0= Rupees 4-5-10— As per kyfiyet of 1841	Quit Rent of Rupees 1111						
—	Granted for the support of the pagoda of Keelo Devada Ramaswamy Devaru which is said to be in good order—	Jodi— 1-5-0 Rupees 4-5-10	Granted originally by Raghunatha Bavajee Dated illegible	1 Sannud of Bavajee— 1 Sannud of Inalu— Amildar dated in 1805 1 Takeed of the Amildar to the Shekhadar of the Pirka communicating the above mentioned Sannud. — 3						

Title Deed No 4692
Date of preparation 1-4-69
Date of issue to Talook—

INAM COMMISSION'S OFFICE * MYSORE *

I have adopted the extent of this village as per Amildar's measurement and fixed the rental at Rupees 50-0-0. Of course I was not very particular in valuing it as it is a Devadaya grant and no Quit-Rent will be charged.

Malur Taluk

Malur Hobali —

and of subsequent and present holders. —
Length of possession. —

Particulars regarding present owners if the Inam has been subdivided the name & of each Share should be entered in the Columns. —

Name and relationship of original grantee	Name entered in the Register prepared by Poonniah upto 1810.	Name entered in the accounts subsequent to 1810.	Residence Name and age &c.	Relation to original grantee or subsequent Registered Holders	Surviving heirs of the previous incumbent	If succeeded with the original holders, how obtained and how long and if in what year
12	13	14	15	16	17	18
Ramaiah worshiper of Tree Anjaneya Devaru — a —		1841 Kodanda Rama — Devaru —	Jesavantapura Tree Kodanda Rama Devaru Darpatiga Gunda Rau worshipper Ramaswamy Manager, The circar Subsequent Inams — 1 Dauchanji Subbabhatta 2 Anantabhatta	— a — Dry 1·52 Dry 3·31	— a —	— a —

Boundaries

North	One boundary stone between this village and circar Jesavantapura village. —
East —	Two boundary stones between this village and Jodi Kallappanahalli village —
South	One boundary stone between this village and Jodi Rappana halli village. —
West —	Four boundary stones between this village and circar Jesavantapura village

Kolar District. —

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding the validity or excess of the Inam. Asistant's opinion and recommendation. —

19

This was a grant of the late Deshava's government to Anjanaya Devaru. In course of time this pagoda became extinct, and the present one was built in its stead, when this village was renewed on the existing Jodi to the institution mentioned in column 15 by the Mallow Amildar in 1805 as per document No 2 in Col. 11. Ever since the present pagoda has been in undisturbed enjoyment paying the existing Jodi. —

The documents quoted in col. 11 were received from the Commissioner Mysore Cutcherry and are genuine. —

Between this and the adjoining Jodi Village of Mallappanahatti there existed a boundary dispute which was settled by ~~the~~ a decree of the Deputy Superintendent dated in Appeal Suit No 230 of 1864-65 of the file of his court. —

Of course the case is a Resjudicata and it cannot be now reopened. I shall however enter fully into the complaint of the Jodidars of Mallappanahatti for the Inam commissioner's information on the Register of that village. —

For other particulars regarding the Devustanam vide my remarks on the register of the Jodi village of Karibikanahosahalli of the Talook. —

This village is recommended to be confirmed and continued to the pagoda in col. 15 so long as it is in existence subject to the existing Jodi of Rupees 4-5-10 or Rupees 4-6-0

(Signed) B. Gopaliah
Special asistt
9-1-69.

(For boundary remarks see cols 12 to 14)

Hanumantapura Mahal Jodi

(2)

Review by the Special assistant and confirmation by the Inam Commissioner

20.

Confirmed subject to a quit-rent of Rupees 4-6-0

(Signed) T. Clerk.
Inam Commissioner

26th March 1869.

"Copy"

Compd

Bangalore
13th December 1889.

Supdt of Inam Settlements.

Rs as. 8 6 0
Fee 1-0-6

INAM COMMISSION MYSORE

In the Chief Court of Mysore at Bangalore
Friday the 24th day of October 1884.

Present

E. J. Plumer Esquire Chief Judge
and
T. R. A. Thumboo Chetty Esqr Judge.

Regular Suit No 125 of 1884.

Ramasamy. Appellant (Defendant)

vs

Kodandra Ramachary
Venkata Rangachary
Venkat Varadachary
(Minors by their Guardian Ramachary). Respondents (Plaintiffs)

Appeal suit against the decision of the Moonsiff of Kolar in original suit No

This appeal coming on for hearing on Monday the 22d day of October 1884 the Court delivered the following

Judgment. The principal question for determination in this appeal is whether the suit in the form in which it has been brought is maintainable. We are of opinion that it is not.

2 The suit was originally laid by one Lingnachar the deceased father of Plaintiffs. The claim was to recover 20 candies of grain or Rupees 80 by way of damages alleged to have been sustained by reason of defendant having prevented the cultivation of certain land which it is said belonged to the Pagoda Sri Kothanda Rama Swamy at Yeravantapura of Malur Taluk. Plaintiffs stated in

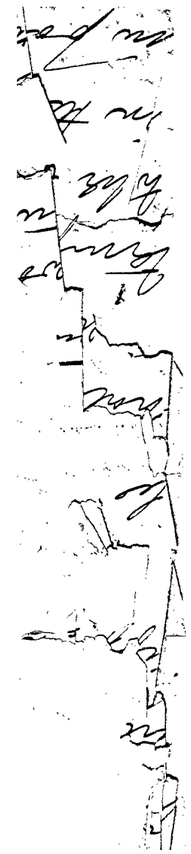
be the property of the said temple.

The Defendant denied the Plaintiff's ri
and among other matters pleaded that
the land was his, and as Plaintiff attempted
to usurp it he (Defendant) prevented him from
doing so. The Defendant further contended
as there was a substantial dispute between
parties as to the title to the land, the present
suit, which is simply for damages, was not
maintainable.

3 The Munsiff gave Judgment for Plaintiff
for 10 Candies of grain or their value Rupees 40
with proportionate costs. He considered it
unnecessary to go into the question of title
and in para 15 of his judgment the Munsi
ff refused to record a finding on
the question as to whether the land in dispu
belonged to Defendants village of Kallepa
Kolli or to Hanumanthapuram the village
which the Inam land attached to the
temple enjoyed in plaint are situ
ated. It seems to us that where, as
in that case, Defendant is now admitted
in possession of the land in dispute and

trespass and usurpation on his part c
alleged as giving Plaintiff a cause of a
the suit ought to have been brought for p
establishment of Plaintiffs right to the la
for the recovery of possession thereof an
for damages. There has been an attem
on the part of Plaintiffs not only to a
the Stamp laws but indirectly to establi
his right to the land. By suing simply f
damages Plaintiffs object was to prev
Defendant from raising question wh
would be fairly open to him in an ej
ment suit. We think that the suit a
present form ought not to be allowed
that Plaintiffs are not entitled to an adju
cation of the question of title which is rais
in the suit on a plaint which, for the
purpose, is not only insufficiently st
but also omits to seek that relief which
warrant the Court going into the questio
title. The Munsiffs decision will t
be reversed and the suit dismi
with costs incurred in this and in
Court.

"True Copy"
Signed S. Ramayya Rao
Recorder



Secretariat for the year 1869-70.

No.	Subject.	Mode of recording.	Remarks such as print, printed, destroy, and destroyed.	Page in the File Register.
1.				
2.				
3.	Establishment of a Lying-in-Hospital at Bangalore.			
4.				
5.				
6.				
7.				
8.				
9.				

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Received 14-1-90.

No. 494.

PETITION DEPARTMENT.

902

Official Memorandum.

R. R. 65-94

The Accompanying Petition No. 16.93, dated 1st November 89 and 16 Decr 89 (supply) received at the Dewan's Office from Ramachar Archuck Yasavanthapura Village, Malur Taluk, Kolar District

is forwarded, together with its Eight enclosures, to the Dy Commr Kolar District with a request to Submit to this Office the entire proceedings connected with the Case

By Order,

Secretary.

BANGALORE,

14th January 1890.

Drafted as per instructions. A.R.C.

Mysore Government. Central Press, Bangalore.—25-7-89.—1,000.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

DEWAN OF MYSORE.

(3) 1890.

From The Dy Commissioner Kolar District

To The Chief Secretary to the Dewan of Mysore.

Dated 11 March

Despatched 13 "

Received

Enclosures No. 2 files

General No. 3389

No. 676

Has official Minute - Report No 494 of the 14 January 1890 forwarding 2 petitions from Ravidas Arehalli, Yeshavantha - pur village Malur Taluk Complaining that a portion of the land belonging to Jodi Kanninantapur village has disrupted the survey & added on to Nallappan - halli Jodi village in the said Taluk and requesting the submission of the proceedings.

As called for -

Jadi No. 837 of the 1st Instant with the accompanying original records connected with the case to be obligingly returned when no longer required.

2. The enclosures of the Official Memorandum under reply are herewith returned.

Foreign Commissioner

F.D.Bell

27.7.95

189

From

The Chief Secretary
to the Dewan of Mysore.

To

The Superintendent
Mysore Rev: Survey

Dated 18th

Despatched 13th September 92.

Received 14th October

Enclosures No.

General No. 3466

Pet. F. No. 147-92

L.R. 165 of 1894-95

Calling for the Inam Register of Jodi Mallapanahalli in the Malur Taluk &c.

References to be marked.

To the same No. 5482 dt 17/10/92
Supdt Inam Attn P.147

From the same No 37 of 24-10-92

The Survey Supdt.

—o—

Has the honor to request that the Survey Supdt will submit to this office for reference the Inam Register of Jodi Nallappanahalli in the Malur Talukk and the measurement accounts of Jodi Hanumantapur in the said Talukk prepared by the Amildar in 1869.

2. He is also requested to state whether lands included in Hanumantapura were, subsequent to 1869, added on to the Govt villages of Lakkepalli & Yeswantapur, on the ground of there being Inamdar encroachments by the ~~Inamdar~~ upon Govt lands.

By order

Draft

Chief Secty

P.P. 4/2

Pet Bn Dnr 24/10/92

Relating to Jodi Nallappanahalli

2/11/92

L.R.

From

The Superintendent of Inam Settlements in Mysore.

4159.

OFFICE OF THE SUPERINTENDENT OF INAM SETTLEMENTS MYSORE

To

The Chief Secretary to the Government of Mysore.

1892.

Re. reference called for -

1. Inam Register of Nallappanahalli
2. Measurement accounts of Hanumantapura prepared by the Amildar in 1869.
3. Whether lands included in Hanumantapura were subsequent to 1869 added on to the Govt villages of Lakkepalli & Yeswantapur.

Dated 24th October
Despatched 24th
Received.

Enclosure No. Inam Register & the enclosures of the Survey Supdt's No. 488 dated 15-9-92 in his Docket No 3465 - 9/92-2 Dec. 7. 147-92-2

No. 37 of 1892-93

of the 1st ultimo, to the address of the Survey Superintendent.

I am requested in the above, has the honor to forward herewith the Inam Register of Jodi Nallappanahally village of the Malur Talukk together with the Amildar's statement and Pymaishy Patti Connected therewith containing remarks regarding the transfer of the lands under reference.

2. The 4 Razeenamahs received with Survey Supdt's No. 488 dated 15th September 1892 are also herewith forwarded to be kindly returned

1. Inam Register received & submitted together with the measurement accounts & Pymaishy Patti

2. Jodi Hanumantapur was measured in 1884

Posted for hearing on 27th April 93

3. No record for the remaining

Submitted to the Council

7/11/92

Submitted

7-3-93

25/10/92

returned when no longer required.

Asst to
Supdt of Inam Settls.

DS

GOVERNMENT OF MYSORE

(2)

70-8 dd 6

(47)

I.R. ~~1165 of 1892~~

To

The Registrar of the
Chief Court of Mysore
Bangalore

No 438 dt 12/7/93.
R&S 147-92

Has the honor to request that the entire records connected with Appeal Suit No 125 of 1884 (Ramaswamy & Kodanda Ramachar & others) on the file of the Chief Court, may be forwarded to this Office as early as practicable, for reference in connection with Petition No 1063 of 1889 from Ramachar, regarding the boundary dispute between the villages of Hanumandapur and Nallappanhalli

By order
for Chief Secretary
11/7/93

The Commissioner (Inam Cr) when corresponding the draft submitted in this case containing the statement of the facts of the case, desired that the records of the Civil Suit should be sent for. This draft is therefore submitted for approval
11/7/93

(General Serial No. 29.)

1893. 5-18.

From Pet 31
The Registrar of the
Chief Court of Mysore

To
The Secretary to the Dewan
of Mysore.

Dated 13 July 1893

Despatched 14

Received

Enclosures No. Record.

General No. 166 / No. 18 } 188 —8

His R^o 438 / 147-92 dated 11 Instant

I have the honor to forward herewith the entire records in Appeal No. 125 of 1884 on the file of this Court, and request that the same may be caused the returned to this Court when no longer required.

By order

Registrar

Pet^r Br.

Peth Br
Mys
14/7

Rama Sastri

vs

Kodanda Rama charry & 2 others, minors, by their guardian Ramachary.

(9)

L.R. 1645-97-8

To

The Registrar of the
Chief Court of Mysore
Bangalore

No. 893 87 17/18/7/93
Pet F. 147-92

His docket No 166/10 dated 13th July 1893 forwarding the record in Appeal suit No 125 of 1884 on the file of the Chief Court. Ramastri V Kodandaramachari & others.

With reference to the above has the honor to request that the records of the Court of the first instance in the above case may be obtained & forwarded to this office as early as practicable

By order
17/7/93
Chief Secretary

O.S. No 28 of 1883 on the file of the Munsif of Kolar - Kodandaramachar, & Ramastri.

J. 10/9/93

P.R. 165-91-2

(General Serial No. 29.)

1893.

$500
12 SEP 93

From The Registrar of the J. 504 P. 181
Chief Court of Mysore.

(11)

To Chief
The Secretary to the Dewan
of Mysore.

Dated 11th
Despatched 11th } September 1893.
Received

Enclosures No. one file of records

General No. 1082
No. 53 } 188 —8.

His No 893 dated 17th July 1893 — 147-92

—4—

Has the honor to forward herewith the record in O. S. No 28 of 1883, on the file of the Munsiff of Kolar, received with the Munsiff's No 57 dated 31st July 1893.

By Order

A D Rambling

Registrar.

Kodandaramachar and others

Ramastay.

(13)

R. 166-91-10

70-

To

The Superintendent
Mysore Revenue Survey
Bangalore.

No 14021 / Pet. 1355 dt 20.2.94.

Have the honor to request that the survey area of each of the Jodi villages of Nallappan-halli and Yeshvantapur in the Malur Taluk, as settled by the Survey Department, may be intimated to this Office as early as practicable, for reference in connection with appeal of the Archak of the Kodandaramaswami Temple at Hanumantapur, which comes on for hearing on 22nd Instant.

By order
20/2/94
for Chief Secretary

Information offered to be called for by Revenue Commissioner

× This ought have been Hanumantapura

Pol-Part XX
22/1/94

L.R. 1893-94

No. 47.

120-95
21 FEB. 94
1894. Pet 705

From The Supdt Mysore Rev. Survey (14)

To The Chief Secretary to the Revenue Survey, Dewan of Mysore.

Dated Bangalore

Despatched 21st February/94

Received.

Enclosures No.

General No. 536 } 189 .
No.

Chief Secretary's Docket
No. 14021 dated 20th
Pet-1355
Instant.

Has the honor to intimate as desired, the total area of the undermentioned villages,

Taluk	village	Area
Malur –	Nallapanahalli	
	Jodi –	255.15
Hoskote –	Kaimgutta Yeshwantpur –	171.29

and

Instead of Hanumantapura, by a clerical error, Yeshwantpur was mentioned.

and to state that there is no [illegible] village by the name of yeshwantpur in the Malur Taluk.

D Smith
Supdt Mysore Rev. Survey

* Hanmantapur Archik stated that Hanmantapur was given by Govinda to the Gosha and Gopalaswamy Gosha was written in the docket & the former struck off

Before the Government of His Highness the Maharaja of Mysore.

R. R. 1693-94

Petitions ~~Appeal~~ No.s 1693 & 2000 of 1889-90 (15)

Appellant.
Archik Ramachar of Yesvantapur Malur Taluk, Kolar District, represented by Mr ~~advocate~~ K.J. Narasimhiengar advocate

Vs.

Respondent.
Ramasastry and others represented by Mr Advocate Venkatramaniah

Decision dated 26-2-94

This is an appeal against the decision of the Survey Department settling the boundary of Nallappanhalli by which the appellant urges that he lost a portion of the village, Hanmantapur which has been confirmed by the Inam Commission as Inam to the Pagoda of Sre Kodandaramaswami of which the appellant is Archak

2. The facts of the case are briefly as follows:—

In 1863, Soora Dikshita,

the Mess Jodidar of Nallappanhalli, complained of encroachment by the Managers of the Hanmantāpura village and sued to recover 12[x] Holgas of land said to have been newly cultivated by the ryots of Yesvantāpura, on the plea that the lands belonged to Jodi Hanmantāpura. The Panchayats assembled by the Shekdar stated that the said land belonged to Nallappanhalli, but the Amildar subsequently made a personal inspection with the aid of a fresh set of Panchayats, who declared that the land belonged to Hanmantapura. Eventually, the Amildar submitted a report agreeing with the first Mahazar, and the Assistant Superintendent, Chickballapura Sub-Division, gave a decision in favor

x acres 7-9

favor of the Nallappanhalli Jodidar. On appeal, however, the Deputy Superintendent reversed the said decision and directed on 27th February 1865, that the land should remain in the enjoyment of the manager of Hanmantapura. Boundary stones were fixed accordingly in June 1868.

2. In July 1868, the lands of Nallappanhalli were measured by the Amildar under the orders of the Inam Commissioner. The Amildar's note in the measurement account shows that the boundary marks put up by the Shekdar in June 1868, were then in existence, that one of the boundary stones of Nallappanhalli was in the bed of the tank, and that the boundaries were in accordance with the 2nd

Manazzar. It further shows that the land which the Jodidar of Nallappanhalli then claimed as having been erroneously included within the marked boundaries of Hanumantāpur was 4 Kandis 10[+] Padies in extent, which included the 12 Kolagas decreed by the Deputy Superintendent, that exclusive of the said disputed portion, the lands of Nallappanhalli measured 19 Kandis 4 Kud 2½ Padis (133·25 acres). The Inam Commissioner confirmed this area, and declared that if any area of Nallappanhalli was wrongly included in Hanumantapur, it was too late to correct the error, as no appeal was preferred within the time allowed by the rules. This decision

[+] acres 53·3

of the Inam Commissioner was passed in January 1869.

3 Disputes again arose. In 1882, the Respondent having obstructed the cultivation of certain land of Hanumantāpur, said to be within the boundaries marked, the then Amildar Ramanujiengar (now Police Superintendent in Kolar) inspected the lands and decided that the lands belonged to Hanumantapur. In January 1883, the Jodidar of Hanumantapur filed a suit in the Munsiff's Court against the Jodidar of Nallappanhalli to recover damages for wrongful obstruction to the cultivation of about two Kandies of land between the bed of the Nallappanhalli tank

and his (Plaintiff's) other lands. The defendant urged that the land claimed was different from the 12 Kolgas made over to the Plaintiffs by the Deputy Superintendent in 1868. The Munsif decreed in favor of Plaintiffs on the ground that the land claimed was within the boundaries of Hammantapur. On appeal however, the Chief Court without going into the merits of the case, dismissed the suit on the ground that it should have been brought to recover possession of the land and not merely damages. In March 1889, the Survey Department settled the

VERNMENT OF MYSORE

the boundaries of Nallappanhalli, according to which the area of Nallappanhalli became 255-15 acres as against the area of 133·25 confirmed by the Inam Commissioner.

The area of Hammantapur according to the boundaries settled by the Survey, was 92-9, while the area confirmed by the Inam Commission was 154·79

The chief reason urged by the Survey Department for settling the boundaries in this manner was that they were in accordance with the boundaries given in the Inam Title Deed.

4 No doubt the boundaries determined by the Survey Department are in accordance with those

given in the Inam Register
and Title Deed, but
the appellant's contention
is that the boundaries given
in the Inam Register were
erroneous, that they were
in conflict with the decision
of the Inam Department
and the extent recorded in
the Inam Register and that
they differ from the boundaries
given of Nallappanhalli
in the measurement Patti
submitted by the Amildar
to the Inam Commissioner.
Government consider
that under all the cir-
cumstances above stated,
the boundaries given in
the Inam Register cannot
be taken as unmistakeable
guide. The boundaries
given in the Inam
Register are in a hand-
writing different from
that of the Inam Asistant
Commissioner who has
personally written all the
other entries in the
Register and the large
difference in the area
discovered by the Survey
and that confirmed by
the Inam Department
on actual measurement,
throws considerable
doubt on the accuracy
of the boundaries given.
The Survey Department
account for the large
difference in the area of
Hanumantapur by saying
that Hanumantapur
had never been measured
prior to the Survey and
its area given in the
Inam Register was not
correct, but the Government
observe that the area of

Hanumantāpura given in the Inam Register was also according to actual measurement made by the Amildar at the Inam Settlement.

5. Government therefore resolve to remand the case for further investigation by the Survey Supdt and a fresh decision with a distinct finding on each of the following points:-

(1) Is the extent of 12 Kolagas settled by Deputy Superintendent, in 1868, within or without the boundaries now settled, and if without, which was the locality

(2) Is the 4 Kandiras and 10 Padiras of land specially excluded ~~from~~ from the Inam Settlement within or without

...MENT OF MYSORE

without the boundaries of Mallapanhalli as now settled by the Survey Department and if without, which was the locality

(3). The Respondents stated at the hearing that subsequent to the Inam Settlement, a portion of the area of Hanumantāpura was included in Lakkenhalli and that accounts for the decrease in the area of Hanumantāpura. Is this a fact or not. If it is not a fact, how can the decrease be accounted for?

(4) Do the boundaries given in the Amildar's measurement account of 1868 correspond with those given in the Inam Register?

(5) According to the statement presented

by the Inamdars of Nalla-
ppanhalli before the
Inam Commissioner, the
area of the villages according
to their own measurement
was Rs 18-19-14, exclusive
of the Tank bed
which nearly
corresponds
with the area
of the Amildar's measure-
ment (18-19-2½). On
what ground can they now
claim more?

Total area	20-15-1¼
Deduct: Tank-bed	1-15-3¼
Remainder	18-19-14

(b) Are there any Chekmams
or Sanads which show
the boundaries of Nallappan
halli and if so what are
they and do they correspond
with those now settled?

6 The Government believe
that if the lands of Nallappan
halli and Hanumantapura
be now re-measured
with the aid of the Amildar's
measurement accounts
of 1869, the exact boundaries
recognized by the Inam
Commissioner can be
easily determined

By Order,
Under Secretary,

To

The Superintendent
Inspone Revenue
Survey

No 16402 / Pet: F. 147-92 dt 26-3-94.

Sir,

I am directed to return herewith the proceedings received with (1) Docket No 3389/676 dated 11 March 1892 from the Dy Commr Kolar (2) Docket No 37 dated 24th October 1892 from the Supt Inam Settlement (3) Dockets Nos 166/74 and 1082/53 dated 13th July & 11th Sept 1893 from the Registrar of the Chief Court of Mysore.

Records checked carefully & despatched according to the Fair sketch put up.

Abstract

No. 1693 · 200.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
24 March 1896

L.R. 165 Sept 13 (67)

Endorsement granted to Arehak Ramachar of Yesvantapur, Malur Taluk (by Mr. K.T. Narasimha Iyengar advocate)

in reply to his Petitions Registered No.s 1693 & 2000 dated 10th Nov & 16th Dec 1889 respectively, appealing against the decision of the Survey department regarding the boundary of Nallappanhalli & Hanumandapura

Petitioner is informed that the case has been remanded to the Supdt. Mysore Revenue Survey for further investigation & fresh decision.

By order

(Sig. illegible.

Copy to Ramashastri & Bros (respondents)
(by Mr. D. Venkatramayya advocate)

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

(General Serial No. 30).

GOVERNMENT OF MYSORE

From

The Registrar of the

Chief Court of Mysore.

To

The Chief Secretary

to the Dewan of Mysore.

Dated 25th May 1894

Despatched 28 "

Received

Enclosures No.

General No. 5200

No. 187

Are the records where is the Judgment referred to?
W.f 4/6
W. V. Rao. R. R.
13/6.

Sir,

It appears from the First Progs No 16402 of 24/3/94 herewith put up, P.F. 14792 that the records referred to were sent to the Survey Superintendent on 3/4/94.

Prod
13/6/94.

It does not appear whether the Case in Connection with which the records in A.S. 125 of 84 on the file of the Chief Court were sent for has been disposed of. Draft a letter to the Supdt. Mysore Resident Survey requesting him to send to this Office the enclosures to the Registrar's letter, if no longer required

W.f 18/6
Drafted
SKR 15/6.

Requests that the records in Appeal No. 125 of 1884 on the file of this Court may kindly be caused to be returned to this Court.

J 29.5.94

Asstn

Transferred to the Retention Branch, where the Records are said to have been received.

Recd 9-6-94

Central Jail Press, Bangalore.—25-4-94.—500.

(7)

From Bangalore 25th May 1894.

(17)

The Registrar of the
Chief Court of Mysore.

To,

The Chief Secretary to the
Dewan of Mysore.

Sir,

I have the honor to request that the record in Appeal No 125 of 1884 on the file of this Court which was forwarded with this office No 166/13 dated 13th July 1893, may kindly be caused to be returned to this Court if no longer required.

I have the honor to be,
Sir,
Your most Obedient Servant,

[signature]
Registrar.

Dewan's Secretary & letters
Received
Dewan's Secretary

X
Not received in the Chief Court Branch.
[illegible]

[illegible]

To

The Supt. Mysore Revenue Survey.

Dated 16-6-94
Secd 18.
No 22003
P.F. 147-92

This Office no. 16402
Pet. F. 147-92
dated 24th March 1894

Has the honr to request that the Enclosures of the Dockets from the Registrar of the Chief Court to Govt ~~or Govt~~ nos: 166/14 & 1082/53 dated 13th July and 11th September 1893 ~~to Govt~~, forwarded with ~~the~~ above may be returned to this office when no longer required.

By order

Asstt Secy.

Draft.
SKR
15/6.

15/6

(12)

(28)

R.R. 16 Sept

Communications noted in the margin

Dockets nos: 166/14 & 1082/53 dated respectively 13th July & 11th Oct. 1893 to Govt.

Gen. Serial No. 50.]

MYSORE

189

From

The Chief Secretary to the Dewan of Mysore.

To

Dated

Despatched

Received

—

Enclosures No.

General No.

No.

No. 47.]

5305

1894. R 1591

Ref: 262

From

The Superintendent, Mysore Revenue Survey.

To

The Chief Secretary to the Dewan of Mysore

Dated Chamrajnagar 25th October 1894

Despatched

Received

Enclosures No. 1 one file of corres with Boundary dispute pro

General No. 256 } 1894
No.

Chief Secretarys Memo No. 16402 / P.7 A #147-92 of 24th March last forwarding copy of Government Decision on petitions Nos. 1693-2000 of 1889-90 for further investigation and a fresh enquiry Settlement in connection with the boundary of the Jodi villages of Challapanhalli and Hanmantpur of

To be transferred to the Petition Branch
1/11/94

Read
2/11/94

6/11 Subd to the Council, with reference to the Decision passed in Feb: 1894. The case having in that decision been remanded to the Survey Supdt for fresh decision, it is for that Officer to decide, leaving the parties to appeal to Govt if they choose. But it does not appear that he has passed any decision upon the report & finding submitted to him by the Assistant Supdt Rev. Survey. Both parties have been informed by Endorsement from this office that the case has been remanded for fresh decision by the Survey Supdt

6/11 X Send the papers back to the Survey Supdt for disposal in accordance with the Decision of Council

of the Malur Taluk

Has the honor to submit a fresh Boundary Dispute proceedings with its enclosures referred to in the above.

2 The whole file received with the above is herewith returned.

Supt: Mysore Rev. Survey

To

The Superintendent
Mysore Rev. Survey

No. 7257 / Pet F. 147-92 / 10 — 7-11-94

His no. 256 dated 25th Oct. 1894, of Mr. S. Narayanaiker, Asst. to the Commr. Inspecter. Sarvey submitting the proceedings relating to the boundary dispute between the Jodi villages of Nallappanhalli and Hanumanthpur, Malur Taluk

With reference to the above has the honour to draw his attention to the decision of Govt. (Copy of which was forwarded with para 5 of this office no. 16402 / Oct 7 No. 792 dated 26th March 1894) and to request that he will, as required therein, record his own decision and inform the same to both parties, having the appeal from the Chairman's decision disposed of. The proceedings received with the above are herewith returned

7/11/94

To be sent to the Taluk Sheristadar

7/11

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

P.T. 141-92.

(General Serial No. 30)

GOVERNMENT OF MYSORE
OFFICE OF THE
4508
4 OCT 94
GOVERNMENT OF MYSORE

From 71 - 16 1894

The Registrar of the

Chief Court of Mysore.

To

The Chief Secretary

to the Dewan of Mysore.

Return if no longer required. The matter of appn seems so far to have been disposed of by referring d. to the Survey Supdt for a fresh decision.

Re transferred to the Petn Br. for compliance

R 28/11

Read 29/11

Dated 3 Oct/94

Despatched 4 "

Received

Enclosures No.

General No. 2081

No. 83

Draft docket returning (1) records in ccs. 125 of 1884 in the file of the file of the Chief Court received with Registrar's letter no 166/13 dated 13 July 1893

Requests that the records in Appeal Suit No. 125 of 1884 on the file of this Court may be ordered to be returned -

(2) records in do. ~~1082~~ ~~53~~ 28 of 1883 in ~~the~~ file of the Munsiff's Court at Kolar received with Registrar's letter no 1082/53 dated 11 Sept 93

JKL 4/10/94

References.

Read: 19/10

~~Draft~~ The records are sent to the Petition Branch on 15-7-93.

CVL 23-10-94.

The Petn Branch.

Please put up the records referred to in the letter.

MA 3/11/94.

P.T. 147-92 relating to the subject is put up

W/30/11

Draft

JKL 30/11

Central Jail Press, Bangalore.—25-4-94.—500.

3d October 1894.

(21)

From,

The Registrar of the
Chief Court of Mysore.

To

The Chief Secretary
to the Dewan of Mysore.

Sir,

I am directed to request that you will be so good as to order the return of the records in Appeal Suit No.× 125 of 1884, on the file of this Court, forwarded with this Office No. 166/13 dated 13th July 1893.

I have the honor to be,
Sir,
your most Obedient Servant,

D. Rajalakshmamma

By Registrar,
D. D. as Registrar

× Ramasastry
Kodanda Ramachar
and others

× Sent to the
Petition Branch
dt 23-10-94.

Returned 22
29-11-94
4 P.R.

Filed
11/8/12

No. 47.]

6956.

1894

Pet. 312

From

The Superintendent,
Mysore Revenue Survey.

To

The Chief Secretary to the
Dewan of Mysore

Dated } Bangalore
Despatched } 29th November 94

Received

Enclosures No.

General No. 316 } 1894
No.

Chief Secretary's Docket
No. 7254 dated 4th Instant
P.S. 147-92

Has the honor to state
in reply that no Proceed-
-ings of Mr. M. S. Narain
Row Assistant Commr.
Mysore Revenue Survey
Submitted with this Office
No. 256 dated 25th October
1894

1894 regarding the Boundary Dispute between the Jodi villages of Nallappankalli and Hannantpur, Malur Taluk has been received in this Office as alluded to in the above and to request therefore that the same may kindly be returned to this Office for reference.

Supdt. Mysore Revenue Survey

The Registrar,
Chief Court of
Mysore.

Dated 1-12-94

No. 6014 Encl. 2 files.
Pet. Fr. 147-92

(23)

His No. 2081 dated
3 October 83 1894.

With reference to the above, has the honor to return herewith the records marginally noted ~~as not required~~ ~~no longer required~~.

By order

Chief Secy.

Draft.
30/11

(1) Records in as No. 125 of 1884 on the file of the Chief Court received with the Registrar's letter No. 166 dated 13 July 18 1893.

(2) Records in O.S. No. 28 of 1883 on the file of the Munsiff's Court at Kolar received with Registrar's letter no. 1082 dated 11 Sept 53 1893

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

To

The Superintendent
Mysore Revenue
Survey

No 9061 dt 4-12-94
Pol. F. 147-92
Enclosure

His docket No. 316 dated
29th November 94

As requested in the above
has the honor to return the
proceedings of Mr. M.S.
Narayan Row, Asst to
Commr Mysore Revenue
Survey, regarding the
boundary dispute between
the Jodi villages of Mallap-
panhalli and Hanumanta
pur in the Malur Taluk

'Bynder'

Asst
Dy

4/12

for Chief Secretary

4/12/12

70-85-4

24

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

1895

From

The Superintendent of
Inam Settlements in Mysore,
Bangalore.

OFFICE OF THE
17.46
19. JUN. 1895
R 4872
SUPT. OF MYSORE.

Ret 755

R. R. H. C. 22

To

The Chief Secretary to the
Government of Mysore.
Land Rev: and Statistics

Dated 18th
Despatched 19th } June
Received

Enclosure No. —

No. 107. of 1894–95.

This Office Docket
No. 37 of 23rd October
1892.

Has the honor to
request, that the Chief
Secretary will be so good
as to direct the return of
the Main Register (Sheet
No. 132) and other papers
connected with Nallap-
=panahally Jodi Village
of the Malur Taluk, for-
=warded with the above,
as they are urgently re-
=quired for reference. —

R 4 6 95
19

Supt. of Inam
Setts.

P. R. 1159

Gen. Serial No. 31.]

189 5

From

To The Supt. of Inam Settle-ment.

Dated 28. 6 95

Despatched 3/7.

Received

Enclosures No.

General No. 24949

Pet. F. No. 147-92

His docket No: 107 dated 18th June 1895

with reference to the above has the honor to state that the papers referred to were returned to the Survey Supdt: with this Office No: 16402 Pet. F. 147-92 dated 26th March 1896

By order

Draft

HCh 28/6

for Rev: Recy.

SKR 27/6

Subd

Petn No. 104 from the ~~date~~ Petitioner Ramaswamy Jr was submitted to the Rev Councillor on 16-7-95.

Petn No. 1486 was sent to a/c Jeevan Rao on 15-11-95 for submission with the previous petn to the Rev. Councillor.

Petn No. 2077 from the same was submitted to the Rev Councillor on 6-1-96.

6/2/96

Petr made a representation in Council today. He was told that orders would be communicated tomorrow -

Subd proceedings.

6/2

The pte is present.

15/7

R. R 16

In time

Stamp Supplied

Subd to the Rev. Councillor with file 147 of 1892. The present Respts had first appealed to Govt whereupon the case was remanded to the Supdg Rev: Survey for fresh decision. This appeal is against such decision

Mr is a complicated case. Parties in the revenue records have not been examined. Some reports may be called for. This will cause delay

MRB

25/3/96

26-3-96

Reports to be called for. Note in the file of cases to be posted

26/3

26/3

Gen. Serial No. 32.]

1895

No. 91-24

Name of Petitioner. Ramasastry Sollery Jogadeva by Mr. Venkata Rama-avadhani

Village. Nallappanahalli

Taluk. Malur

District. Kolar

Date of Arzi. 5-7-95

Date of Receipt. 5-7-95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Prefers an appeal against the decision of the Supdg. of Rev-Survey of 6-4-95 respecting the boundary dispute between Post Nallappanahalli and Kammanahipura village.

6/7.

(Translation)

(26)

The Paimaishi Pattu of the Atchkat of the Jodi Nallappanhalli village, Malur Taluk, prepared, under the Inam Commissioner's order, in connection with the dispute of the boundary between Jodi Nallappanhalli and Mahal Jodi Hanumantapura. The measurements were ~~taken~~ made, on the 26th of July 1868, in the presence of Ramappa, Shanbhog of Jodi Nallappanhalli, Kuppaiya Shanbhog of Mahal Jodi Hanumantapura, Lakshminarayanappa Archak of the Mahal Jodi village, ~~and~~ × × × × and others; the standard of measurement being a rope ~~of~~ of 20 yds.

The Boundaries of the village

East.— The "Vamana Mudre Sasana" stone standing in the lane between Kadadenhalli

and Nallappanhalli, through which cattle pass.

West.— The "Chakrasasana" stone facing Hanumantapura, and marking the boundary of Nallappanhalli, Mahaljodi Hanumantapura, and the Government village of Lakkenhalli.

South corner of it There is ~~no~~ "Sasana" the boundary stone to mark the boundary of Nallappanhalli, Hanumantapura and ~~S~~ Lakkappanhalli which is to the ~~North of~~ South-West of the above (stone). But if there is a three-faced stone in that place.

North.— The "Linga mudre Sasana" stone standing on the boundary line between Lakkenhalli and — Nallappanhalli.

To the West of this stone there is a "Chakra Mudre Suryachandra Sasana" stone, facing the South-West point of the bed of the Nallappanhalli tank.

South.— The "Sasana" stone standing in the Yalagana Tope and marking the

boundary between Jodi Juppanhalli and Nallappanhalli

× × × × ×
× × × × ×

The measurements of the land— including the dry— occupied and unoccupied portions— as pointed out by Balagai Samba and Kala Todis of Nallappanhalli, which is connected with the dispute about the boundary between Jodi Nallappanhalli and Mahaljodi Hanumantapura, and which is contended for by Suryanarayana Somayaji, the Jodidar of Nallappanhalli, are as follows:—

588	east & west	29-4
440	north & South	22

2,58,720. Bijavari — ~~4~~ Khandis and 10 Padis.

The decision of the Deputy Commissioner and the Mahajan ~~which is the final decision & boundary and~~

which were produced by the Archak of the Mahal Jodi village were read. In the Mahajar which is the final decision and which was executed, for the second time, on 12th March 1863, by the Panchayats appointed by Government, it has been decided that the cultivated land measuring about 10 or 12 Kolagas, and the unoccupied land - 3½ Khandis - extending to the boundary of Pichagantanhalli appears to belong to Mahal Jodi Hanumantapura alone, and does not belong to Nallappanhalli. The Deputy Commrs decision is to the effect that the said cultivated land 12 Kolagas in extent should be in the enjoyment of the original Defendant - Lakshminarayanappa, Archak of the Mahal Jodi village. — Kuppaiya Shanbhog of the Mahal Jodi village, Ramaiya that of Nallappanhalli and others state that, recently, the late Shekdar Raghavendra Row went to

UNIVERSITY OF MYSORE

the place at the time of executing the decision of the Deputy Commr and that of the Panchayets, which is final; that he put the Archak of the Mahal Jodi village in possession of the cultivated portion, 9 Kolagas and 5½ Padis in extent, according to the correct measurement; that he retained the boundary stones, where they existed, and caused mounds of earth and stone to be erected, where there were no such stones, in accordance with the "Chakbandi" of the Mahal Jodi village of Hanumantapur, beginning from the Chakra Sasana stone to which the remaining land, 3 Khandis, 11 Kolagas, 4½ Padis or thereabouts in extent, together with the said cultivated portion extends, and which is situated in the bed of the Nallappanhalli tank, and forms the boundary of Nallappanhalli

Lakkenhalli and Mohal Jodi Hanumantapura; and that he submitted a separate list with his report No 39. From this it appears that the Archak of the Mahal Jodi village has not made any encroachment. The land described in the said decision and Mahajar does not differ from the land the boundaries of which have ~~now~~ been fixed. Suryanarayana Somayaji contends that the land in question minus ½ Khandi according to the said decision, belongs to him. The Shanbhog and others say that this land has been ~~Gadde~~ given out as Hulgaval and belongs to (or has been included in) Mahal Jodi Hanumantapura. Besides, they say that it has been Hulgaval from time immemorial. The Jodidar is not present—

× × × ×

Dett. 5-7-95

To 101 Line 1

MYSORE L... OFFICE
PETITION DEPARTMENT
REG'D. N. 101. R
DATE 5-7-95

Five rupees Stamp affd

The Government of Mysore
A.S. No 129 of 1895-96
Kgln alone
Rev Petn No of 1895-96.

Appellants
Ramasastry & Others
Jodidars of Nallapana-
hully village, Malur
Taluk.

Respondent
Archak Ramachar
Jodi Hanumantapur
Village, Malur Taluk.

The Appellants above named respectfully beg to prefer an appeal against the decision of the Supt of Rev: Survey of 6th April 1895 regarding the boundary dispute between Jodi Nallapanahully & Hanumantapur villages for the following among other reasons:—

1. That the Survey Supt and the Survey Assistant failed to take into consideration the fact that the extent of the Jodi village of Hanumantapur was only 7 Candies one Kudoo and 3 padies as admitted by the Hanumantapur jodidar at the time of the Inam Settlement.

2. That the Appellants gave the western boundaries of Nallappanahully village as Noragunta & Dasavalgunta at the time of the Inam Settlement which have been identified in the plan prepared by the Survey Assistant M. Narrain Das as the Western boundary.

3. That the Survey Assistant failed to perceive the fraud which the Sheikdar perpe-

while only 12 Koodoos were in dispute.

4. That the possn and enjoyment of the whole lands in dispute have all along been with the Appts notwithstanding the fraud practised by the Sheristadar, as admitted by Archik Ra-
-maswamy & proprietor Lakshmi Narnapa in the enquiry of the year 1863, in the extent of the measurements given by him.

5. That the Survey Assistant failed to take the measurements of the Govt village of Lakkai nahully before and after Survey in order to arrive at a correct conclusion.

6. That the Surveyors with regard to bound-
-ary Stones made by the Survey Assistant are erroneous.

7. That Ramalhan failed to prefer his appeal to Govt within the time prescribed by law and as such he is not entitled to the remedy granted by the Survey Superintendent

8. That the conduct of the respondents predecessors in title estopes respondent from going into the question of the extent of the land in dispute

9. That when the respondent failed in the year 1883 to establish his right to the land in dispute in pursuance of the Decree of the Chief Court in A. S. No 125 of 1884 he is estopped from raising the same question on the Revenue Side.

10. That the present Settlement of the boundaries dispute without a formal enquiry as prescribed by law and without going into the question of possession will only be a paper decision leaving the parties to unnecessary litigation and therefore it is illegal.

For these reasons the Appts pray that the decision of the Supt. of the Rev: Survey may be Set aside. D Vm Muthumma Rao

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 101 dated 5th July 1895

received at the Dewan's Office from

Ramasastry and
Other Jodidars of
Nallappanahalli
Malur Taluk, appealing
against the Survey
Supdt's decision regarding
the boundary between Jodi
Nallappanahalli & Hanumana
pur villages

is forwarded, together with its one enclosure, to the Deputy Commissioner & Superintendent of Revenue Survey Kolar District

for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Draft

for Chief Secretary.

BANGALORE,

30-3-1896

M.G.C.P.B.—25-4-95—1,000.

L. R. 165-91-26

Pet Mark
1674

Reported
17th

Submitted.
[illegible], 1874

Posted 6- 1st May 96.

G. No. 7841 Pet. 67
1896 17 APR. 96
REVENUE'S OFFICE.

MYSORE

From 28

The Superintendent,

Mysore Revenue Survey.

To

The Secretary to the
Government of
Mysore

Dated 15th

Despatched April 1896

ceived

neral No. 999
No.

Enclosure No. 3 files of covers

Secretary's official
Memorandum No. Pet
F. No. 1479
dated 30th March 1896

Has the honor to
forward, as desired,
the entire proceedings
in connection with
the Boundary Dis-
pute

numbered from 1 to 108

(97)

= pute between Jodi Nallapanhalli and Hanumantpur villages together with the original Settlement Registers and Vernacular Statement &c as per Peish received from the Supt. of Inam Settlements in Mysore under his Memo No. 129 dated 10th April 1896. Petition with its enclosure is returned.

Supt. Mysore Rev. Survey

× Malur Taluk

Referred to- (96)

Dy/A.S.

Submitted with references.

22/5

Petr requests that some records should be obtained called for from the Inam Supt.

Subd to Asst. Secretary

AS.
22/5/96

Mr. Scott. Vicar Sahib will file carefully write to Mysore the papers referred to by Petr and obtain records mentioned.

23/5

Subd.

Nos 1, viz. Statement produced by the godidar of Hanumantapur about the Inam Settlement is in the file

A certified copy of Nos 2, viz. Boppanhalli godidar's statement is also in the file. But it is very much torn (vide Nos 94.)

Nos 3 and 4 are not in the file.

25/5.

The descriptions given of 3 & 4 are vague. The Petr should specify the accounts by giving the name & year of each or obtain & produce copies thereof.

25/5 Put up submit

not put up.

25/5

1895-96.

No. 372

Name of Petitioner, Lakshmi Narasimha Jodidar of

Village, Nallappanahalli

Taluk, Malur

District, Kolar

Date of Arzi, 12-5-96

Date of Receipt, 16-5-96

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

With regard to the boundary disputes between Jodi Nallappanhalli and Jodi Hanumantpur villages in the Malur Taluk, Petr prays that the references mentioned in this petition from which the facts can be elicited, may be sent for from the Inam Commissioner's office and examined before settling the disputes.

The references named herein are

1- The statement executed by Lakshminarayanachar, uncle of the Respondent - Ramachar, Jodidar of Hanumanalpeer, during the Inam Settlement -

2- The statement of the Jodidar of Boppanahalli lying to the south of ~~Kalle~~ Hallappanahalli executed during the settlement of this Inam -

3: The Survey & Inam accounts of Bhaktagondanahalli Maher &c

4 - The Inam Paimaishi & Survey Paimaishi accounts of Jodi Lakkondahalli & Gundara halli, Hoskote Taluk -

Blue
9/5:

Rd 16/5 By post — B.S. 17/5/96

Please register & return the petition. No reference will be made to the contents of this petition.

Sec. 11/5.

37/22

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
DATE 16/5/96.

37 32 R

ಮೈಸೂರು ಸಾಮ್ರಾಜ್ಯದ ದಿವಾನರವರ ಆಫೀಸಿಗೆ—

ಮಹಜರು ಮಾಡಿಕೊಂಡು ಬಂದಿರುವ ಪಟ್ಟಾ ಪುಸ್ತಕಗಳು ಮತ್ತು ಅಳತೆ ಪುಸ್ತಕಗಳು ಹಾಗೂ ಅರ್ಜಿದಾರರು ಈ ಅರ್ಜಿಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವ ಇನಾಮು ಸಂಬಂಧಪಟ್ಟ ಕಾಗದ ಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಅವುಗಳಲ್ಲಿ ಅಡಕವಾಗಿರುವ ವಿಷಯಗಳನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ವಿವರಿಸುವಂತೆ ಈ ಅರ್ಜಿಯಲ್ಲಿ ಎಂದೆ ಕಲುಹಿಸಲಾಗಿದ್ದು ತಿಳಿಸಬೇಕಾದ ವಿಷಯಗಳನ್ನು ಖಂಡಿತವಾಗಿ ಅವರ ಕಛೇರಿಯ ಕೆಲಸದವರಿಂದ ತರಿಸಿಕೊಳ್ಳಲು ಅವರು ಕೆಲವು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳಿರುವುದರಿಂದ ಅವುಗಳಿಗೆ ಸರಿಯಾಗಿ ಉತ್ತರಗಳನ್ನು ಕೊಡಬೇಕಾಗಿದೆ. ಅವುಗಳು ಕೆಳಕಂಡಂತಿವೆ:

1. ಇನಾಂ ಫಿಟ್ಟೆಮೆಂಟ್ ಕಾಲದಲ್ಲಿ ಮೃತಪಟ್ಟ ಮಹಲಿಂಗಪ್ಪನವರ ಪುತ್ರರಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಿದ್ದು, ಈ ವಿಚಾರದಲ್ಲಿ ಅವರು ಯಾವ ಚಿಕ್ಕಪ್ಪನಾದ ಲಕ್ಷ್ಮೀನಾರಾಯಣಾಚಾರ್ಯರು ಬರೆದುಕೊಟ್ಟಿರುವ ಸ್ಟೇಟ್‌ಮೆಂಟ್.1.

2. ನಮ್ಮ ಗ್ರಾಮಕ್ಕೆ ದಕ್ಷಿಣಕ್ಕಿರುವ ಬೊಪ್ಪನಹಳ್ಳಿಯವರು ಮಾಲಂಬಯ್ಯನವರು ಇಲ್ಲಿಂದ ಹೋಗಿ ಅಲ್ಲಿನವರಿಗೆ ಇನಾಂ ಕೊಟ್ಟಿದ್ದಾರೆ ತಮ್ಮ ಗ್ರಾಮದ ಫಿಟ್ಟೆಮೆಂಟ್ ಕಾಲದಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಸ್ಟೇಟ್‌ಮೆಂಟ್.

3. ಮಾಲಂಬಯ್ಯನವರು ಭಕ್ತರಹಳ್ಳಿಯವರು ಇನಾಮು ಲೆಕ್ಕಗಳು ಮತ್ತು ಸರ್ವೆಯ ಲೆಕ್ಕಗಳು.

4. ಕೋಲಾರದವರಿಂದ ತಂದಿರುವ ಲಕ್ಕೇನಹಳ್ಳಿ ಮತ್ತು ಮಂಡಿಕಲ್ಲು ಈದ್ಗಾಳುಗಳ ಇನಾಂ ಪೈಮಾಯಿಷು ಲೆಕ್ಕಗಳು ಸರ್ವೆ ಪೈಮಾಯಿಷು ಲೆಕ್ಕಗಳು. ಲಷ್ಕರ್ ಕಛೇರಿ:
12.5.96

R.R. 16 ... 79

From 30 189

The ~~General~~ Secretary to the
Govt. of Mysore.

To

The Superintendent-
Mysore Rev: Survey.

Dated 25
Despatched 26 } June 1896
Received

General No. 11147
Rel-No. 2183

Enclosure No.

Has the honour to request that the Survey Valuation Statements of the marginally noted Jodi villages may be forwarded to this office, for reference in connection with the boundary dispute ~~of~~ between Jodi Nallappanhalli and Hanumanlapura in the Malur Taluk, pending before Govt.

2. A very early reply is requested as the case

1. Bhaklagondanhalli, Malur Taluk
2. Lakkondahalli, Hoskoti Taluk
3. Gundarahalli do.

stands posted to 2nd July 96.

By Order

Draft

25/6/96

25/6 For Secretary.

S.V.
25/6.

GOVERNMENT OF MYSORE (31) 1896

From

The ~~General~~ Secretary to the
Govt. of Mysore.

To

Superintendent of
Inam Settlements in Mysore

Dated 25 } June 96
Despatched 26 }
Received

General No. 11148
Pol. No. 286

Enclosure No.

Has the honour to request that the statements produced by the Inamdars of the marginally noted villages at the time of the Inam Settlement may be forwarded to this office for reference in connection with the boundary dispute between the joint villages of Nallappanhalli and Hanumantapura in the Malur Taluk, pending before Govt.

2. A very early reply is requested, as the case

× 1. Boppanhalli, Malur Taluk
2. Bhaktagondanhalli do.
3. Lakkondahalli, Hoskote Taluk
4. Gundarahalli, do.

Boundaries posted on 2nd June 96.

By Order

Draft- A.L. 2/6 Illegible
for Secretary.

L.C.

I. R. 1895-96-31

1896 No. 9706
DEWAN'S OFFICE
1st JUN. 96

From

The Superintendent of
Inam Settlements in Mysore,
Bangalore.

To

The ~~Chief~~ Secretary to the
Government of Mysore.
General and Revenue Departments.
~~Land Rev. and Statistics~~

Dated 29th
Despatched 29th } June
Received

Enclosure No. (4)

No. 111 of 1895-96

His docketed No. 11148 ~~dated 25th 2186~~ dated 25th instant.

As requested in the above, has the honor to forward herewith, the original statements produced by the Inamdars of the marginally noted villages at the time of the Inam Settlement, and to request that they may be returned when no longer required.

Supdt of Inam Settlt.

1. Bopparahalli Malur Talk.
1. Bhaktagondanahalli —do.
1. Lakkondahalli Hoskote —do.
1. Gundarahalli — do —

Put up Inamdi, Place this in the file.
A.S. 2/7

Rec'd 29-6-96

Peter 2.7.96

Peta
30 6-96

L.R.

Pet?
31 1 96

The case will be heard on the 19th inst.
31/7. Mr. Smith, please this in the file
S.S. 8/7/96

From The Superintendent,
Mysore Revenue Survey.

To The Secretary to the Government of Mysore

Dated 29th June
Despatched 30th 1896

Received

General No. 1108
No.

Enclosure No.

Secretary's Docket
No. 11147 dated 25th
P. No. 2185
Instant.

Has the honor to forward as desired, the accompanying copy of the revised statement (vide Government Pro. No. 14223-5 of 17th Feb. 1894 P. No. 100-95) showing

shewing the Survey valuation of the villages referred to therein.

Supt Mysore Revd Survey

పాడిపత్తి ప్రకారము సాహిబు రాజీ మోరిడుంన్న ప్రకారం.

భూమియుపశ్యి										
	బాగాయలు.		అంతు.		బిర్రు భూమి యొక్క మిట్టు ఆకారపు చలపాయి	తీరా ప్రకారం నాఖరీ పరాయి మాసిబస్తి.		అంతయకరి ఆకార.		తరా.
ఆకార.	యకరే.	ఆకార.	యకరే.	ఆకార.	రిష్టేవలి ఆకార	యకరే	ఆకార.	యకరే పోయిన్నాబ పరగణాలక్కనే పట్టి పాజి పట్టు	ఆకారపోయిన్నాబ పరగణాలక్కనే పట్టి పాజి పట్టు	
౯	౧౬	౧౨	౧౩	౧౪	౧౦	౧౧	౧౨	౧౩	౧౪	

ಕೂಲಿಕಾರರು ಯಾವ ಜಾತಿಗೆ ಸೇರಿದವರು ಮತ್ತು ಅವರಲ್ಲಿ ಎಷ್ಟು ಮಂದಿ ಸ್ತ್ರೀಯರು ಮತ್ತು ಪುರುಷರು ಕೆಲಸ ಮಾಡಿದರು ಎಂಬುದರ ವಿವರಗಳನ್ನು ಕೆಳಗೆ ಕೊಟ್ಟಿರುವ ಕೋಷ್ಟಕದಲ್ಲಿ ತೋರಿಸಲಾಗಿದೆ -

(16)

ಮೂಲಧಾರಿಯ ಹೆಸರು.	ಸೇವಾ ನಂಬರು	ತಾಲೂಕಿನ ಹೆಸರು.	ಸಾಮಾನ್ಯ ಕೂಲಿಯವರು								ಪರಿಶಿಷ್ಟ	
			ಹಿಂಡು		ಲಾರಿ.		ಬಾಣಾಯಿತು.		ಒಟ್ಟು		ಹಿಂಡು	ಲಾರಿ.
			ಪುರುಷರು.	ಸ್ತ್ರೀಯರು.	ಪುರುಷರು.	ಸ್ತ್ರೀಯರು.	ಪುರುಷರು.	ಸ್ತ್ರೀಯರು.	ಪುರುಷರು.	ಸ್ತ್ರೀಯರು.	ಸ್ತ್ರೀಯರು.	ಸ್ತ್ರೀಯರು.
೧	೨	೩	೪	೫	೬	೭	೮	೯	೧೦	೧೧	೧೨	೧೩
ಕೋಲಾರ	೧	ಕೋಲಾರ ತಾಲೂಕಿನಿಂದ	೪೦೬	೨೭೯	೧೦೬೧೦	೪೧	೬೦೦೨	೧೭೮	೪೪೯೨೪	೨೮೦೦	೧೪೪೬೦೦	೪೨೧
ಸಂದಕೂರು	೨	ಕೂಡಲಿಯಿಂದ	೧೨೪೬೨	೧೯೬	೧೨೮೮೦	೧೦೦	೧೦೦೨	೧೨೪	೧೨೪೬೨	೩೧೧	-	-
ಬಾಗೇಪಲ್ಲಿ	೪	ಬಾಗೇಪಲ್ಲಿಯಿಂದ	೬	೧೦	-	-	-	-	೬	೧೦	೩೪೪೧೪	೪೮೦

(ಕೂಲಿಕಾರರು ಯಾವ ಜಾತಿಗೆ ಸೇರಿದವರು ಮತ್ತು ಅವರಲ್ಲಿ ಎಷ್ಟು ಮಂದಿ ಸ್ತ್ರೀಯರು ಮತ್ತು ಪುರುಷರು ಕೆಲಸ ಮಾಡಿದರು ಎಂಬುದರ ವಿವರಗಳನ್ನು ಕೆಳಗೆ ಕೊಟ್ಟಿರುವ ಕೋಷ್ಟಕದಲ್ಲಿ ತೋರಿಸಲಾಗಿದೆ -)

ক্রম	নাম	পিতার নাম	সাং	পো	থানা	জেলা	বয়স	পেশা	শিক্ষা	ধর্ম	জাতি	মন্তব্য
১	২	৩	৪	৫	৬	৭	৮	৯	১০	১১	১২	১৩
১	মোঃ আবুল কাশেম	মৃত আব্দুল করিম	গ্রাম- চরপাড়া	পো- চরপাড়া	থানা- সোনাইমুড়ী	জেলা- নোয়াখালী	৪৫	কৃষি	নিরক্ষর	ইসলাম	বাঙালি	
২	মোছাঃ রহিমা খাতুন	মোঃ আবুল কাশেম	গ্রাম- চরপাড়া	পো- চরপাড়া	থানা- সোনাইমুড়ী	জেলা- নোয়াখালী	৪২	গৃহিণী	নিরক্ষর	ইসলাম	বাঙালি	
৩	মোঃ জসিম উদ্দিন	মোঃ আবুল কাশেম	গ্রাম- চরপাড়া	পো- চরপাড়া	থানা- সোনাইমুড়ী	জেলা- নোয়াখালী	২১	ছাত্র	১০ম শ্রেণি	ইসলাম	বাঙালি	
৪	মোছাঃ ফাতেমা বেগম	মোঃ আবুল কাশেম	গ্রাম- চরপাড়া	পো- চরপাড়া	থানা- সোনাইমুড়ী	জেলা- নোয়াখালী	১৯	ছাত্রী	৯ম শ্রেণি	ইসলাম	বাঙালি	
৫	মোঃ শাহাদাত হোসেন	মৃত আব্দুল করিম	গ্রাম- চরপাড়া	পো- চরপাড়া	থানা- সোনাইমুড়ী	জেলা- নোয়াখালী	৫০	কৃষি	নিরক্ষর	ইসলাম	বাঙালি	

ক্রম. ১ নাম ২ পিতার নাম ৩ সাং ৪ পো ৫ থানা ৬ জেলা ৭ বয়স ৮ পেশা ৯ শিক্ষা ১০ ধর্ম ১১ জাতি ১২ মন্তব্য

ಮೂಲಾಸ್ತಿ-ಮೈಸೂರು ಕೃಷಿಯಲ್ಲಾ ಯಾ ಹಂಯಿಕ್ಕ ಮೈಕಾನ ಯನಾಮ ಶಾಲುದ ವ್ಯಾಲ್ಯಬಲ್ಲನೆ ಪಾಲೆ ಅಧಿಕಾರಿಯ ಬಾಬಿನ ಯಕ್ಕರೆ ಆಕಾರ ನಿವಹಕ -

ಮೂಲಸ್ಥಾಯಿ ಹೆಸರು.	ಸೇವಾ ನಂಬರು	ಶಾಲೆಗಳ ಹೆಸರು.	ಪಾಜಮಾನಿಬಸ್ಯೆ								ಬಿಳಿರು		
			ಮಿಲ್ಲಿ		ಲೀಗ್.		ಬಾಣಾಯಿಚು.		ರಂಟು		ಮಿಲ್ಲಿ.		ಲೀಗ್.
			ಯಕ್ಕರೆ.	ಆಕಾರ.	ಯಕ್ಕರೆ.	ಆಕಾರ.	ಯಕ್ಕರೆ.	ಆಕಾರ.	ಯಕ್ಕರೆ.	ಆಕಾರ.	ಯಕ್ಕರೆ	ಆಕಾರ.	ಯಕ್ಕರೆ.
೧	೨	೩	೪	೫	೬	೭	೮	೯	೧೦	೧೧	೧೨	೧೩	೧೪

4/2/98

Subd

The decision of the Panchayats is not agreed

5/2/98

1898

No. 1952

Name of Petitioner Ramachar & Kottaru & Ramachar, Jodidars of Hanumanthapura and also Ramadomayaji, Jodidar of Vallapparahalli

Village

Taluk Malur

District Kolar

Date of Arzi 26.1.98

Date of Receipt 27.1.98

Date of Disposal

No. of Enclosure Nil

Subd Dy Collr

The duffs in this case are about to be issued

Sec nos 126 & 128 already do not seem to contemplate a settlement by a panchayat after a decision has been pronounced by the Survey Supt

7/2/98

RD 7 Pm.
7-2-98.

The order was repeated to the Manager of Hanumanthapura & enquired whether the order had been carried out? How does this matter? Does he get more or less than the order? The order must be given effect to. Unusual circumstances would warrant

Subd Dy Collr
7/2/98

ABSTRACT

Their appeal petn. 975-6 A.S. No. 101.

State that on 26.1.98 their case was decided by Panchayats and that they all agree to abide by that decision.

Pray that orders might be issued for placing Bondh Stones in accordance with the Panchayat decision that their appeal might be dismissed and that the records submitted by them might be returned.

should be better if the
is asked to take down the statement
about to commence
of the parties marking in the
sketch as approximately as possible
the line of boundary amicably
settled between them.

If this settlement is more
favourable to Hanumanthappa
belonging to a temple, as it
seems to be there appears to be
no objection to grant the
prayer of the parties.

24/2/98

Submitted

Dy 25/2/98

R07:30 Rm
25.2.98

ask the Dpty
Comr accordingly
Ulsd
13.3.98

Noted
Send them to
Bdr for
Ulsd/3/98

Spoke to the D Comr
with the sketch
Dy 14/3/98

1898

From
The Secretary to Govt
Genl and Rev. Depts

To
The Deputy Commissioner
Kolar District

Dated 17.2
Despatched 19 March 98
Received
General No. 8758. P.
P.R. No. 147-92

(1157)

Enclosure No.

In forwarding herewith
petn No 1952 dated 28-1-98,
& to be returned
received from Ramachar, to
-Hand & Ramachar godidars
of Hanumanthapura and
Ramasomayaji godidar
of Vallapanahalli in
the Malur Taluk, praying
that orders may be issued
for placing Bandh Stones
in accordance with the
decision of the Panchay-
-etdars and that their
appeal in the matter
may be dismissed,
has the honor to request
the Dy Comr to be so
good as to take down
and submit
the statements of the
parties

parties about the compro-
-mise, marking in the
Sketch herewith. Send with the record
accurately
as ~~approximately~~ as possible
to the line of boundary amic
-ably settled between
~~them, and submit a~~
~~send date~~ 2. The record
are herewith Send for reference
and resubmission.

By order

C1 to C2

for Secretary

16/3/98

Dist[rict] with this Office Docket No. 8758/P7 147-92 of 17-3-98

---

1 Sketch
2. No 42 of 4-3-89 from the Assistant Settlement Officer to the Survey Supt[t]
3. No 43 of 9-4-89 — do — to the Dy: Supt[t] Improvd Rev Survey
4. Government Decision No. 16402/P7 147-92 of 24-3-94
5. Memo —
6. No 22003/Pet 7 147-92 of 18-6-94 from the Chief Secy to the Survey Superintendent
7 No 256 of 25-10-94 from the Survey Supt[t] to Chief Secretary
8. No 316 of 29-11-94 from Survey Supt[t] to — do —
9. No 9061/P7 147-92 of 4-12-94 from the Chief Secy to the Survey Supt[t] —
10. No 7257/P7 147-92 of 7-11-94 from —do— to —do—
11. No 6 of 18-2-95 from Mr M.S. Narayana Rao
12. Proceedings of boundary dispute between Jodi Nallappanhalli and Jodi Hanumantapura
13. Proceedings of Enquiry into the above boundary dispute
14 Notes & Extracts.
15 No 92 of 26-2-95 from Survey Supt[t] to Mr J.L. Mackay.
16. Endorsement No 160 of 6-4-95
17. English translation
18. Enamdar's Statement.
19 Panchnama Patte
20. Petition No 101/as 129 of 5-7-95 with 2 enclosures addressed to Government
21 — do — 1952 of 26-1-98 — do —

Dyapanna
Assistant Secretary

Gen. 31.]

1898

NOV. 7 1898
DEWAN'S OFFICE

From The Deputy Commissioner
Kolar District

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Rev. & Jud. Dept.

Dated 3rd November 1898
Despatched 5th do
Received
General No. 1805 } 1898-99
No. 488
Enclosure No. 2 + a file of papers

Submitting a measurement Jiffani together with sketch and requesting that necessary corrections may be made in the Village Maps & the Inam records in connection with the boundary line between Jodi Villages of Mallappanhalli and Hanumantapura in Malur Taluk

1

No 1805 Ex. 22 of file 488 (Gen. Records)

Kolar Deputy Commissioner's Office
Dated 3rd November 1898.
5th

No

The Secretary to the
Government of Mysore
General & Revenue Departments.

Sir,

In reply to your docket No 8758 dated P 147-92
the 17th March 1898, directing that the boundary line between Jodi Villages of Mallappanahally and Hanumantapur in Malur Taluk, as settled by a private panchayat between the parties, may be fixed by means of band stones, that their statements may be recorded &c, I have the honour to forward herewith a measurement "Tippani"+ together with a sketch+ prepared by the Taluk measurer. The parties have deposed before the Amildar of Malur Taluk assenting to the fixing of boundary line marked C to D, on the portion hitherto disputed. I beg that the necessary corrections may be made in the village maps and other Inam records.

+/in the file of record

X Here is not marked the measurer's sketch but is drawn

2 The whole file of Vernacular and other correspondence on the subject is herewith submitted.

I have the honor to be,
Sir,
Your Most obedient Servant
H H Sparks
Deputy Commissioner

P 147-92 8/18.11.19

(37)

I. R. 16 - 11/36

Transferred to the Mysore Secretary to Govt for favor of an early report The Jodi village of Hanumantapur is drawn to the temple of Sri Kodandarama Swami which is presumed to be under Mysore management. The respondent who is the archak of the temple has agreed to a compromise under which the temple gets less than it did under the Survey Supdt's decision

'By order'
(11 V.R. Thyagaraja)
for Secy

W/y

189 NOV 30 398
Ref 217
OF INDIA - OFFICE

From

The Imperial Supdt. in Mysore

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

Dated 28th Novr 98

Despatched

Received

General No. 595

No.

Enclosure No. Two files

Furnishing opinion as regards the dispute about the boundary line between Mallappa-nahalli & Hanumanth-pura in Malur TK &

References to be marked.

Ref 30/11/98.

Refer to 30/11/98

D 21/1798-92 Containing the refs is put up.

1-12-98

2/12/98

No. 595
Enc. 2 files

Peter
29.11.98

Mhzrai, in Mysore
Dated Bangalore 28th November 1898.

From.

The Mhzrai Superintendent
in Mysore.

To

The Secretary to the Government
of Mysore, General and
Revenue Departments.

Sir,

Referring to Your Official Memorandum dated 18th November 1898 forwarding for expression of opinion a file of papers relating to the dispute in regard to the boundary line between the villages of Mallappanahalli and Hanumanthapura in Malur Taluk, I have the honor to state that the village of Hanumanthapura is a Devadaya inam granted for the support of Sri Kodanda Rama Devaru Temple which is a Mhzrai institution; the Archak Ramachar, the respondent in the present case, being a servant of the temple

and liable to be removed from office for neglect of duty or other misconduct, he has no right whatever to enter into a Compromise and thereunder relinquish to the appellant any portion of the lands belonging to the temple. I would therefore recommend that the alleged Compromise be set aside as one entered into without authority.

2. The records received with the reference under reply are herewith returned.

I have the honor to be,
Sir
Your most obedient Servant

Inamdar Superintendent.

S.V.

Register and perhaps the reference to Collector

(Sd) V.R.T.

7.2.99

'95 '99 B.F. 1417 of 92.

R.R. Refers perhaps.

12/99

Subd

99

R. R. 1653 of 98

1899

No. 1327

Name of Petitioner Lakshmi Narasu Setti

Village Nallappanahalli

Taluk Malur

District Kolar

Date of Arzi —

Date of Receipt 7.2.99

Date of Disposal

No. of Enclosure— Nil

ABSTRACT

Praying that the enclosed petition of Lakshmi Narasu Setti in connection with the boundary dispute between Hanumanthapura and Nallappanahalli villages, may be returned to him for perusal as the same stands posted to me 13th February 1899.

8/2/99

MUNICIPAL DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D NO. 13276
DATE 7-2-99

P.R. 165-91-39

1899

From The Secy to the Govt of Mysore

To The Dy Commr, Kolar Dt.

Dated 3rd March
Despatched 4th ~~February~~ 1899.

Received

General No. 6186. P
P.F. No. 147-92

Enclosure No.

Has the honour to return herewith the Measurement Tippani and the sketch relating to the boundary disputs between Jodi Nallappanahalli and Mahal Jodi Hanumantapur, Malur Taluk, received with his letter No. 1805/488 dt 31/12/98.

I By Order

for Secretary

Draft
Cbm
2/2.

101 (41) 4-3-99

[illegible]

L.R. 1655-99 FAO

[illegible]

[illegible] రూ. 7.95 [illegible]

[illegible]

189 (42)

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments

To

The Superintendent of
Inam Settlements in Mysore
Bangalore

Dated 3?

Despatched 4" March/99.

Received

General No. 6187.
P.F. No. 147-96

Enclosure No.

Has the honour to return herewith the original statements produced by the Inamdars of Boppanhalli and 3 other villages, at the time of Inam settlement and received with his docket No. 111 dated 29th June 1896. The Inam Registers of Nallappanahalli are also herewith returned.

By order

Draft

For Secretary.

Petition No 1693 & 2000 of 1889-90

Appellant	Respondent
Archik Ramachar of Yesvantapur Malur Taluk Kolar District represented by Mr. Advocate K. T. Narasimhiengar	Ramaswamy and others represented by Mr. Advocate Venkatramiah

This is an appeal against the decision of the Survey Depty settling the boundary of Nallappenhalli by which the appellant urges that he lost a portion of the village Hanumantapur which has been confirmed by the Inam Commission as Inam to the Pagoda of Sri Kodanda-ramaswami of which the appellant is Archak.

The facts of the case are briefly as follow:—

In 1863, Soora Dikshi

the then Jodidar of Nallappan-halli, complained of encroachment by the Manager of the Hanumantapur village and sued to recover 12 Kolgas of land said to have been newly cultivated by the ryots of Yenvantapur on the plea that the lands belonged to Jodi Hanumanta-pur. The Panchayats assembled by the Shekdar stated that the said land belonged to Nallappankalli, but the Amildar subsequently made a personal inspection with the aid of a fresh set of Panchayats, who declared that the land belonged to Hanumantapur. Eventually the Amildar submitted a report agreeing with the first Mahazar, and the Assistant Superintendent of Ballapur Sub Division gave a decision in favor of the Nallappankalli Jodidar

+ 7.9 acres

1 by the Amildar

2d Mahazzar.

On appeal however, the Deputy Superintendent reversed the said decision on 27 Feb. 1865, and directed, that the land should remain in the enjoyment of the Manager of Hanumantapur. Boundary stones were fixed accordingly in June 1868

In July 1868 the lands of Nallappankalli were measured under the orders of the Inam Commissioner. The Amildar's note in the measurement account shows that the boundary marks put up by the Shekdar in June 1868 were then in existence, and that one of the boundary stones of Nallappankalli was in the bed of the Tank, and that the boundaries were in accordance with the ~~Deputy Superintendent's decision~~. It further shows that the land which the

Jodidar of Nallappanhalli then claimed ~~including the land formerly decreed by the Deputy Superintendent~~ as having been erroneously included ~~in it~~ within the marked boundaries of Hanumantapeer in favor of Hanumantapeer was 4 Kandis 10 Padis in extent ~~that exclusive of the said disputed portion which clearly belonged to Hanumantapeer~~, the lands of Nallappanhalli measured 19 Kandis 4 Kuds 2½ Padis (133.25 acres) ~~.~~ In Inam that among these was a Patte jadde measuring K. Kuds P. 1 - 13 - 1¾ belonging to the adjoining Sirkar village of Lakkenhalli; & that deducting the extent of ~~i~~ Patte jadde, the extent of Nallappanhalli was K. P. 1 - 11 - ¾. The Inam Superintendent added the assessment of Patte jadde of Lakkenhalli ^ and declared the area of Nallappanhalli to be K. K. P. 19 - 4 - 2½ or 133.25 acres inclusive of minor Inams. The Settlement of the Inam Commission was made in January 1869.

acres 53.3 which included the 12 Kolagas decreed by the Dy Supt

Commissioner confirmed the area, & declared that if any area of Nallappanhalli was wrongly included in Hanumantapeer, it was too late to correct the error as no appeal was preferred within the time allowed by the Rules. — His decision of the Inam Comm^r was in Jany 1869

In 1882, the Respt being obstructed the cultivation of certain lands of Hanumantapeer, stated to be within the boundaries marked, the then amildar of Ramanagaram (now Police supt in Kolar) inspected the lands & decided that the lands belonged to Hanumantapeer.

^ on the ground that the lands claimed was within the boundaries of Hanumantapeer.

Disputes again arose. In January 1883, the Jodidar of Hanumantapeer filed a suit in the Munsif's Court against the Jodidar of Nallappanhalli to recover damages for wrongful obstruction to the cultivation of about two Kandis of land between the bed of the Nallappanhalli tank and his (Plff's) other lands. The defendant urged that the land claimed was different from the 12 Kolgas made over to the Plffs by the Dy Supt in 1868. The Munsif decreed in favor of Plff ^ On appeal however the Chief Court, without

going into the merits of the case, dismissed the suit on the ground that it should have been brought to recover possession of the land ~~& suit as~~ & not merely damages. ~~as trespass and usurpation on the part of defendant had been urged~~

In March 1889 the Survey Dept^t settled the boundaries of Nallappanhalli. The Chief reason urged ~~for~~ by the ~~appellant~~ respondent in ~~the~~ proceedings before the D^t Asst Commr in ~~the~~ manner was in dispute in Nallappanhalli is that in the Inam Statement and title deed relating to Nallappanhalli, the western boundary of that village is stated to be Narjinkunte and Dasarkunte which are to the west of the land in dispute and not the Hanumantapura village which would have been the western boundary of Nallappanhalli if the said tract belonged to Hanumantapura, that in those papers the southern boundary of Nallappanhalli is stated to be Boppanhalli, which is to the south of the tract in question, and that this latter statement is corroborated by the entry in the Inam Statement of Boppanhalli in which the northern boundary of that village is stated to be ~~the~~ Nallappanhalli

according to which the area of Nallappanhalli became 255.15 acres as against the area of 133.25 enjoyed by the Inam Comm^r. The area of Hanumantapura according to the boundaries settled by the survey was 92-9, while the area enjoyed by the Inam Comm^r was 154.79.

They were in accordance with the boundaries given in the Inam title deed.

~~The extract~~

No doubt the boundaries determined by the survey Dept are in accordance with those given in the Inam Reg^r & Title deed, but the appellant's contention is that the boundaries given in the Inam Reg^r were erroneous, & that they

~~The above mentioned boundaries do include the land in dispute, but they are~~ in conflict with the decision of the Inam Department and the extent recorded in the Inam Register & ~~they are~~ differ from the boundaries given of Nallappanhalli in the measurement Patta submitted by the Amildar to the Inam Commissioner.

~~which is signed by the Shanbhog of Nallappan-halli. It may be here noted that~~ the boundaries given in the Inam Register are in a hand-writing different from that of the Inam Assistant Commissioner who has personally written all the other entries in the Register. It is not clear when and by whom the boundaries were written in the Register and the title deed and whether there was any better authority for them than the statements furnished by the Inamdars themselves.

The boundaries given of Hanumantapura, in the Register relating to that village do also comprise the tract of land in dispute and its extent according to the Amildar's measurement is entered in the Inam Register as 154·79. But the extent according to the Survey Settlement

Govt considered that under all the circumstances above stated, the boundaries given in the Inam Register cannot be taken as unalterable guide.—)

& there is a large difference in the area as ascertained by the Survey & that entered by the Inam Dept on actual measurement. There is considerable doubt as to the accuracy of the boundaries given. The Survey Dept account for the large difference in the area of Hanumantapura by saying that Hanumantapura had never been measured prior to the Survey & its area given in the Inam Register was not correct, but the Govt observe that the area of Hanumantapura given in the Inam

according to actual measurement made by the Inam Commissioner & the Inam Settlement Officer

Govt therefore resolve to remand the case for further investigation & a ~~distinct finding~~ fresh decision with a distinct finding on each of the following points:—

(1) Is the 12 Kolagas settled by the Supt in 1868 within or without the boundaries as settled, & if without which was the locality.—

(2) Is the 4 Candies & 10 Parcies of land specially excluded from the Inam settlement within or without the boundaries of Nallappanhalli as now settled by the Survey Dept. & if without which was the locality.—

without the tract now in dispute is only 92 acres 37 guntas.

From the foregoing facts it is clear that the Survey Department erred in accepting the boundaries given in the Inam Title Deed of Nallappanhalli. The boundaries are clearly inconsistent with the decision of the Inam Dept & were probably inserted as stated by the Inamdars without regard to the decision. Both Nallappanhalli and Hanumantapura were measured by the Amildar and the area entered in the Registers was according to that measurement, which gives the land under dispute to Hanumantapura. The area given in the Registers and that found by the Survey are as follows:—

	As per Inam Register	as per Survey
Nallappanhalli	133·25	255-15
Hanumantapura	154·79	92-37

(3) The Respts stated at the hearing that subsequent to the Inam settlement, a portion of the area of Hanumanthapur was included in Lakkenhalli & that accounts for the decrease in the area of Hanumanthapur. Is this a fact or not. If it is not a fact, then can the decrease be accounted for.—

(4) Do the boundaries given in the demarcated Measurement accord of 1868 corresponded with those given in the Inam Sett.—

(5) According to the Settlement recorded by the Inamdars of Nallaphalli before the Inam Commr, the area of the village according to their

Total area	20 - 15 - 1¼	
Deduct Tankbed	1 - 15 - 3½	
Remr	18 - 19 - 14	

own measurement was Rs 19-19-14, exclusive of the Tankbed, which nearly corresponds with the area of the demarcated Measurement ~~Rs 19-4-20~~ (18-19-2½),— On what ground can they now claim more.

(6) Are there any Cherkhanas or Sarads which fix the boundaries of Nallaphalli, or if so what are they or do they correspond with those now settled.

~~The Govt~~ The Govt believe that if the lands of Nallaphalli & Hanumanthapur be now re-measured with the aid of

A. Arulanda

Present account of 1869, the exact boundaries recognised by the Inam Comm^n can be easily determined.

26/2/94

Proceedings of the Govt of Madras

Read again:-

Decision of Govt dy 26th February 1894 in appeal No 1693 of 1889-90:-

Appellant	Respondent
Archak Ramachar & of Yesavantapura Malur Taluk, Kolar Distt, represented by Mr. K. T. Narasimhangar advocate	Ramasastri & others, represented by Mr. Advocate Venkatramia

Decision

This is an appeal against the decision of the Survey Deptt settling the boundary of Nallappanhalli, by which the appellant urges that he lost a portion of the village, Hanumanta puor which has been confirmed by the Inam Commissioner, as Inam to the Pagoda of Sree Kodandarama swami of which the appellant is archak

2. The facts of the case are briefly as follow:-

In 1863 Soora Dikshita, the then Jodidar of Nallappanhalli, complained of encroachment by the Manager of the Hanumantapura village

R.R. 16

Press copy

for Secretary.

(1) Press copies due 18th March/94

(2.) The press copy and the sketch should be carefully returned

(3) The portion marked in blue pencil on Sheet No 16 should be omitted in print

(4) The name & designation of the Secretary should be substituted in the signature portion (vide slip pinned up)

× acres
7·9

of land said to have been wrongly
cultivated by the ryots of
Yedawantapuram, on the plea
that the lands belonged to
Jodi Hanumanthapuram. The
Panchayats assembled by the
Shekdar stated that the said
land belonged to Mallappanhalli
but the Amildar subsequently
made a personal inspection
with the aid of a fresh set of
Panchayats, who declared that
the land belonged to Hanumanta
puram. Eventually the Amildar
submitted a report agreeing
with the first manager, and
the Asst. Superintendent, Chik
ballapura sub-division, gave a
decision in favor of the
Mallappanhalli Jodidars. On
appeal, however, the Dy:
Superintendent reversed the
said decision and directed
on 27th February 1865 that the
land should remain in the
enjoyment of the Manager
of Hanumantapura. Boundary
Stones were fixed accordingly
in June 1868.

2 d July 1868, the lands
of Mallappanhalli were
measured by the Amildar
under the orders of the Inam
Commissioner. The Amildar's
note in the measurement
account shows that the
boundary marks put up
by the Shekdar, in June 1868,
were then in existence, that
one of the boundary stones
of Mallappanhalli was in the
bed of the Cauvery, and that the
boundaries were in accordance
with the 2d Muhazar. It
further shows that the land
which the Jodidar of Mallap-
panhalli then claimed as
having been erroneously
included within the marked
boundaries of Rummenhalli
was 4 Kandis 10 padis
in extent, which included
the 12 Kolagas decreed
by the Deputy Supte, that
exclusive of the said disputed
portion, the lands of Mallap-
panhalli measured 19 Kandis
4 Kudo 2½ padis (133-25 acres).
The Inam Commissioner

× acres 53-3

declared that if any [illegible] of Nallappanhalli was wrongly included in Hanumantapur, it was too late to correct the error, as no appeal was preferred within the time allowed by the rules. This decision of the Inam Commissioner was passed in January 1869.

3. Disputes again arose. In 1882, the Respondent having obstructed the cultivation of certain lands of Hanumantapur, said to be within the boundaries marked, the then Shirdar, Ramanjappa (now Police Superintendent in Kolar), inspected the lands and decided that the lands belonged to Hanumantapur. In January 1883, the Jodidar of Hanumantapur filed a suit in the Munsiff's Court against the Jodidar of Nallappanhalli to recover damages for wrongful obstruction to the cultivation of about two Khandis of land between the bed of Nallappanhalli tank and his (Plaintiff's) other lands. The defendant

land claimed was different from that Mr Kolagan made over to the Plaintiffs by the deputy Surveyor in 1868. The Plaintiffs decree in favor of Plaintiffs on the ground that the land claimed was within the boundaries of Hannumanthapuram. On appeal, however, the Chief Court, without going into the merits of the case, dismissed the suit on the ground that it should have been brought to recover possession of the land and not merely damages. In march 1889, the Survey Department settled the boundaries of Nallappan-halli, according to which the area of Nallappanhalli became 25-5-15 acres ~~acres~~ as against the area of 133-25 confirmed by the Inam Comm^r. The area of Hannumanthapura according to the boundaries settled by the Survey, was 92-9, while the area

(Commr 2nd was 1874-79.) The
chief reason urged by the Survey
Department for settling
the boundaries in that
manner was that they
were in accordance with
the boundaries given in
the Inam Title-deeds.
4. No doubt the boundaries
determined by the Survey
Deptt were in accordance
with those given in the Inam
Register and Title-deeds,
but the appellants contention
is that the boundaries given
in the Inam Registers were
erroneous, that they were
in conflict with the decision
of the Inam Deptt and the
extent recorded in the Inam
Registers and that they
differ from the boundaries
given of Nallappanahalli
in the measurement-patta
submitted by the Amildar
to the Inam Commr. Govern-
ment considers that under
all the circumstances
above stated, the boundaries
given in the Inam Regis-

as unsatisfactory guide.
The boundaries given in the
Inam Register were in a
hand-writing different from
that of the Inam Assistant
Commr who had personally
written all the other entries
in the Register, and the large
difference in the area discovered
by the Survey, and that con-
firmed by the Inam Deptt,
on actual measurement,
throws considerable doubt
on the accuracy of the
boundaries given. The
Survey Department account
for the large difference
in the area of Hanumanta pur
by saying that Hanumantapur
had never been measured
prior to the Survey and
its area given in the Inam
Register was not correct,
but the Govt observe that
the area of Hanumantapur
given in the Inam Register,
was also according to actual
measurement made by the
Amildar at the Inam
Settlement

to remand the case to the Survey Deptt for further investigation and a fresh decision with a distinct finding on each of the following points:—

(1) As to the extent of 12 Kalagas settled by Deputy Superintendent in 1868, within or without the boundaries now settled, and if without, which was the locality,

(2). As to the 4 Kandies and 10 padies of land specially excluded from the Inam Settlement, within or without the boundaries of Mallappanhalli as now settled by the Survey Deptt, and if without, which was the locality,

(3) The Respondents stated at the hearing that subsequently to the Inam settlement, a portion of the area of Rammanatapura was included in Lakkenhalli and that accounts for the decrease in the area of Rammanatapura. As this fact or not. If it

Total area - 20-15-1 1/4
Deduct- Tankbed - 1-15-3 1/4
Remainder — 18-19-14

it is not a fact, how can the decrease be accounted for?

(4) Do the boundaries given in the Amildar's measurement account of 1868 correspond with those given in the Inam Register?

(5) According to the statement presented by the Inamdars of Nallappanhalli before the Inam Commr., the area of the village according to their own measurements was K.S. 18-19-14 + exclusive of the tank bed, which nearly corresponds with the area of the Amildar's measurement (18-19-2 1/2). On what ground can they now claim more?

(6) Are there any chittanams or Sunads which show the boundaries of Nallappanhalli, and if so what are they and do they correspond with those now settled?

6. The Govt believe that if the lands of Nallappanhalli and Hammandapur be now remeasured with the aid

...ment accounts of 1869
the exact bound apparently recognised
by the Survey Commission
can be easily determined

By Order
(Sd) L. Arunachalam Kavi
Under Secretary

No 16402 - dy 14 March/94
Sett 147 92.

Copy forwarded to the
Supdt Nilgiris Revenue
Survey, with the proceedings
received with (1) docket No
3389/676 dy 4-3-90 from the Dy
Commr of Kolar Distt (2)
docket No 37 dy 26 October
1892 from the Supdt Survey
Settlement, (3) dockets
Nos 166/14 & 1082/53 dy 15 July
and 11th Septr 93 from the
Registrar of the Chief Court

Read :-

(1) Petition of appeal No 129
of 95-96 presented by Ramaswamy and Thos, Jodidars
of Mallappanahalli in the
Malur Taluk, against
the order of the Survey
Supdt confirming the

boundary dispute between
Jodi Mallappamballi and
Mahal Jodi Hammanahalli
from the Malur Taluk,
made by Mr M.S. Nagappa
Rao, Assistant Commr
Mysore Revenue Survey,
in accordance with the
directions contained in the
Government decision read
above —

Proceedings of the boundary
dispute between
Jodi Mallahpamballi, Malur
Hobli, Malur Taluk
and
Jodi Hammanahpur, Malur
~~Malur~~ Hobli, Malur Taluk

Area of land in dispute
is 84 acres 22 gunthas of which
about 17 acres bears signs
of having been cultivated before

2 The circumstances of the
case are mentioned in detail
in Proceedings of Mysore Govt
dated 26th February 1894 filed
with the record by which the
case is remanded for fresh
decision after recording

issues wherein named. Those issues are as follows:—

(1) Is the extent of 12 Kolagas settled by the Dy. Superintendent (Kolar Distt) in 1868 (?) within or without the boundaries now settled, and if without, which was the locality?

(2) Is the 4 Kandies and 10 parties of land specially excluded from the Inam settlement, within or without the boundaries of Nallappankalli as settled now by the Survey Department, and if without, which was the locality?

(3) The Respondents (Inamdar of Nallappankalli) stated at the hearing that subsequent to the Inam settlement, a portion of the area of Ramamantapur was included in Lakkenkalli and that accounts for the decrease in the area of Ramamantapur. Is this a fact or not? If it is not a fact, how the decrease be accounted for?

(4) Do the boundaries given in the Circlebook measurement accounts of 1868 —

given in the Inam Register?

(5) According to the statement presented by the Inamdars of Nallappanchalli before the Inam Commr, the area of the village, according to their own measurement by was Kandies 18-19-14 exclusive of the Waste land, which nearly corresponds with the area of the Circuitdar's measurement viz 18-19-2½. On what ground can they now claim more?

(6) Are there any "Chelluams or Sanads which show the boundaries of Nallappanchalli and if so what are they and do they correspond with those now settled?

2. Government at the same time threw out a suggestion that if the lands of Hanumantpur and Nallappanchalli be now remeasured with the aid of the Circuitdar's measurement account of 1868, the exact boundaries recognised by the Inam Commissioner can be easily determined. I inspected

parties, and acting on this suggestion of Government followed the measurements in the Amildar's statement and where necessary re-measured bits of land, with what result will be stated hereafter.

3 For the sake of convenience, I prefer taking up the issues not in the order in which they are mentioned in the Proceedings of Government, but in the order in which they present themselves for determination

4. Taking the 6th issue first, I find there are no Sanads or "Chelluams" which show the boundaries of Nallappanhalli. We have therefore to base our decision upon other evidence on the subject.

5 The Nallappanhalli Amildar states with reference to the 5th issue, that although the land he claims together with the undisputed portions of Nallappanhalli village, makes the total area greater than the area claimed by his predecessors in title in the Inam statement presented before the Inam

Thani (Commissioner), he claims the land in despute, because it is in his enjoyment. This is not a very satisfactory explanation, and as to the enjoyment of land, there is no satisfactory evidence on either side, because the land has been waste for a long time. This disposes of the 5th issue.

6 In regard to the third issue, the Inamdar of Kallappanhatti produces two extracts from the order Register of the Mahalkari's Cutcherie, to show that some portion of the Hanumantappa's land, was included in the Lakkenhatti village. One of these bears no date. The other is dated 9th November 1870, and refers to a tree in a topee which the Hanumantappa Inamdar claimed to be his, but in regard to which the Amildar did not pass any definite orders. He left the matter to be decided when a Regular Petition, whatever that may mean, came before him in regard to any other trees in the topee. This order does not in any way indicate

that the 2nd land formerly belonged to Hammantapur and was excluded from that village subsequent to the Inam settlement. I inspected the 2nd, it is now excluded from the Hammantapur village. I bet area is however about 5 acres and it does not in any way explain the large decrease in the area of Hammantapur noticed in the third issue. I may also state that this 2nd is not mentioned in the Amildar's measurement statement of 1868, and the exclusion seem to date back to the Inam settlement which was based on that statement.

The extract without date refers to a complaint about one of the boundary stones ~~abo~~ between Lakkenhalli and Hammantapur having been removed. That stone is now in its place. I find this issue against the Mallappanhalli Inamdar.

7. I now come to the most important of the issues framed viz the 4th. The boundaries given in the Amildar's measurement accounts do not correspond with those given in the Inam Registers. In the Amildar's statement the

the boundaries given are as follows :—

(a) East—Cane by which cattle pass between Kadadenhalli and Nallappanhalli and Vadman mudre stone.

(b) West—Chekra sasana stone, boundary between Hanumantpur, Nallappanhalli and Lakkenhalli.

(c) South-west of the above, one stone, three cornered, and without any inscription. It is the boundary stone between the Nallappanhalli, Hanumantapur and Boppanhalli villages,

(d) North, Linga-mudre stone, between Nallappan halli and Lakkenhalli.

(e) West of this, chekra stone, also sun and moon carved thereon,

(f) South, Sasana stone between Boppanhalli and Nallappanhalli situated near the Yelagiri Hope

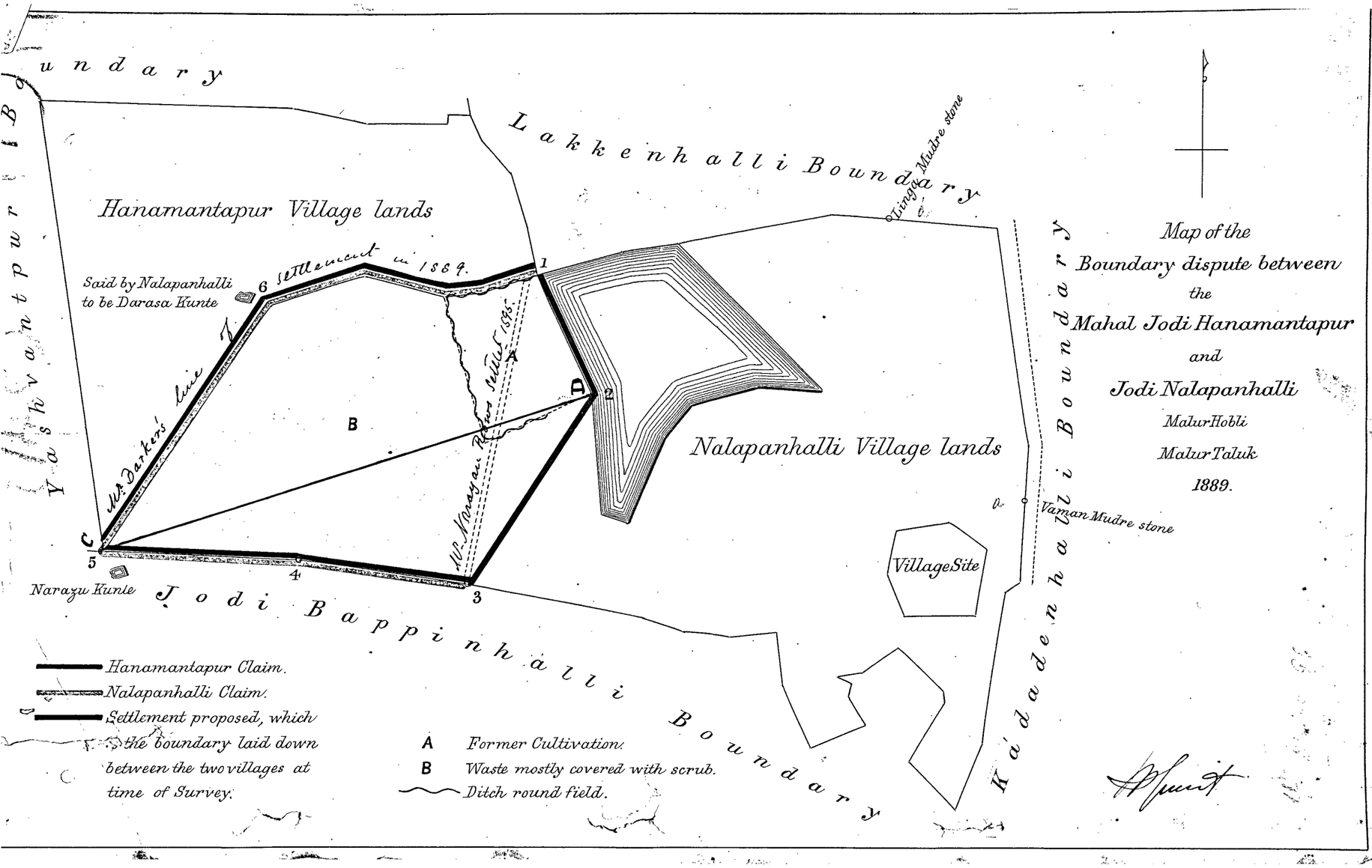
In the Inam Register, no stones are mentioned, but the following details are given :—

1 North, Circar Lakkenhalli and Jodi Hanumantapur village

village,
3 South Jodi Boppanahalli
11 West. two ponds one of which is known as Narayan Kunte and the other Dasara Kunte,

These details correspond with those in the statement presented by the Nallappanhalli Inamdar, which former appear in fact to have been copied from the latter. The two ponds mentioned in the Inam Register and title deed and in the Inamdar's statement to the Inam Commissioner, are not mentioned at all in the Amildar's measurement list

8 The Nallappanhalli Inamdar says he cannot be bound by the Amildar's measurement statement of 1868, as it does not contain the signature of his predecessor in title. But this objection is not tenable as the statement bears the signature of the Shanbhog of Nallappanhalli village, and nothing is alleged to show that it is not genuine or that it does not disclose the true state of affairs. In fact the decision of the Inam


Yashvantpur Boundary
Lakkenhalli Boundary
Hanamantapur Village lands
Said by Nalapanhalli to be Darasa Kunte
Settlement in 1889.
Mr. Parker's line
Nalapanhalli Village lands
Lingya Mudre stone
Vaman Mudre stone
Village Site
Narazu Kunte
Jodi Bappinhalli Boundary
Kaidadenhalli Boundary
Hanamantapur Claim.
Nalapanhalli Claim.
Settlement proposed, which the boundary laid down between the two villages at time of Survey.
A Former Cultivation.
B Waste mostly covered with scrub.
Ditch round field.
Map of the Boundary dispute between the Mahal Jodi Hanamantapur and Jodi Nalapanhalli
Malur Hobli
Malur Taluk
1889.

Pet. No 6188-97
Pet. 7147-92

The accompanying sketch should be drawn in this position

drawn from information is based on this statement and it is the only one that is of importance in leading to a decision in the matter. Of the stones enumerated in this statement, mark a is in the same line which forms the eastern boundary of Mallappankulli; mark b corresponds with mark 1 shown in the sketch of the land in dispute. Mark c similarly corresponds with mark 3 in the sketch. Mark d is on the northern boundary of Mallappankulli and is now marked on the sketch. Mark e and mark b appear to refer to the same boundary stone, viz mark 1 shown in the sketch and mark f is found near the southern boundary as now shewn in the sketch, but is loose, and evidently has been dug up either for purposes of identification or shifted to its present place from another point. There is a dispute about it and close to it there is another boundary stone of the Boppanhalli village. The boundary stones mentioned in the Amildar's statement

and are the only reliable data that one can go upon in this case.

9. In the statement presented by the Boppanhalli Inamdars to the Inam Commr., Vice Inamdars have stated that there are seven boundary stones, Vaman mudre stones, on the northern boundary of their village. These seven were pointed out to me and are as follows:-

*(1) and (2) Vaman mudre stones between Kadadenhalli and Boppanhalli

(3) do near the tri-junction of Kodadenhalli Mallapanhalli and Boppanhalli

(4) At point marked † on the sketch where, as already stated in the preceding paragraph, there is a stone with a "chakra" inscribed upon it. The Boppanhalli stone has no inscription. If it had any, it has become obliterated.

(5) A similar stone belonging to Boppanhalli containing no distinct marks.

(6) & (7) are three corners

*not shewn in sketch as having no connection with the dispute (Sd) M.S.N.

which (6) is a small one and could be shaken when I examined it, showing that it had been either examined to its very bottom or tampered with; and (7) is a big stone which was admitted before me by the Boppanhalli Inamdars as the trijunction between Boppanhalli, Nallappanhalli and Hammantpur. It is this stone that is mentioned in the Amildar's statement of 1868 as being the said trijunction. The Nallappanhalli Inamdar stated that the southern boundary of his village runs up to the 7th stone mentioned by the Boppanhalli Inamdars in their statement to the Inam Commr, and by a strange coincidence, this 7th stone corresponds with the three cornered stone mentioned in the Amildar's statement as the trijunction between these three villages. There is however one point upon which the Nallappanhalli Inamdars lays some stress, and it is that in the

statement to the Inam Commr. Hanumantapur is not mentioned as one of the villages bounding Boppanahalli on the north. This was probably owing to a mistake on the part of the Boppanahalli Inamdars. If the doubtful small three cornered stone No 6 is rejected, the stone at point 4 in the sketch becomes the 7th stone of the Boppanahalli village and the Nallappanahalli boundary would then run up to that point. I am however of opinion that though the stone at this point 4 is without doubt an old boundary stone, it is not the trijunction between Boppanahalli, Nallappanahalli and Hanumantapur and the three cornered stone at point 3 in the sketch is, as stated in the Amildar's statement, this trijunction

10 The Hanumantapur Inamdar states in his statement to the Inam Commr. that there are two Chakra Kusana

† Points marked in ink on sketch and not point (4) marked in blue pencil on sketch (2nd) M.S.N.

Saravana stones on the eastern boundary of his village between Karumandan pun and Nallappanhalli, proceed thence at point 1 to the sluice and the water is stated to be course where near point 2 to the sluice, but is not forthcoming now. The water cornered stone at point 3 is not mentioned by him. The omission is significant, but in my opinion not sufficient to reject it as not being the boundary it is said to be

11. On following the measurements given in the Circle's statement of 1868, I find there are two blocks of Paramboke to the west of the waste weir of the Nallappanhalli tank. They measure 7 Kolagas 10½ manas and 8 Kolagas 15 manas respectively making a total of 16 Kolagas 9½ manas of Paramboke land belonging to the Nallappanhalli village to the west of the waste weir of the tank of that village, equivalent to [illegible] acres

39 Grandas. These two blocks are still waste and on measuring them now, I found the area to be 11 acres 10 grandas which very nearly corresponds with the old area. No other Paramboke land is stated to be situated in this part of the Mallappan halli village. I have therefore no hesitation in finding that the three cornered stone at point 3 in the sketch is the trijunction between Hanumantpur, Mallappanhalli and Boppanhalli

12. It now remains to be settled whether (issues 1st and 2nd) the twelve Kalagnes of land about which a decision was passed by the Dy Commr of Kolar in 1863 in favor of the Hanumantapur Inamdar, and four Kandies of Paramboke land about which a dispute was raised at the time of the Inam Settlement but which was excluded from the Mallappan halli village, are within or without the boundary of Mallappanhalli as now (in 1889) settled by the Survey

Survey Department. The
boundary marks erected
under the orders of the Dep
Government of Kolar are not
in existence now and it is
not possible to say where
was the exact line of boundary
that was adopted on those
two occasions. On inspecting
the land, I found that part of the
area in dispute, the land
marked A in the sketch
is the only spot that was
once cultivated and is now
waste. It measures nows
16 acres 35 guntas and is
Kolagrad. Out of this, or very
nearly 8 acres, appears to
have been adjudged in 1862
to have belonged to Banamanthpur.
This bit of land is stated
to be lying to the south of the
bifurcation stone marked 1
in the sketch and taking
all the circumstances of the
case into consideration,
about half of the once
cultivated land or that
part of it that lies to the
west of the line drawn from
point 1 to point 3 appears

as belonging to Hanumanthpur.
No uncertainty however exists
about the situation of the 19
Kandies and odd of Parambok
referred to in the 2d issue.
In the Amildar's statement
it is mentioned immediately
after the Parambok land
mentioned in para 15 and the
Parambok in dispute is
the only block that answers
to the description given of it
in the statement, as the area
therein given very nearly
corresponds with the Parambok
area now under dispute.
The whole of it is now included
in Nallapphanhalli and ought
to be included in Hanumantha-
pura as it was excluded
from the former at the
Inam settlement.
13. If these findings are
approved of, there results
will be that out of the land
in dispute 12 acres and
5 gunthas go to the Nallapphanhalli
village and the rest to
Hanumanthapura
14. The above findings
are evidently at variance

variance with the conclusions
arrived at by Mr Barker,
Asst Settlement Officer
who settled the disputes
in 1889, but the Amildars
measurement statements
of 1876 and other papers,
since produced, upon which
the above findings are
based, were not before
him and no reasons
were assigned by him for
ascertaining the correctness
of the boundaries given in the
Pattadeed of Nallathanhalli
15. The vernacular records
and other papers connected
with this dispute are
herewith re-transmitted.

Bangalore
29th Septr
1894

(Sd) M.S. Narayanrao
Asst Commr
Mysore Western Division

The line of boundary
as now decided in accordance
with the above findings
is shown in sketch by a
double dotted red ink line.

Camp Nelvi
South Kanara
18-2-95

(Sd) M.S. Narayanrao
Asst Commr

I find that in the above proceedings

directed in the decision of Govt
of Bombay of 26th Feb'y 1894,
conveyed to me under Order
No 16402/Rev(III)-92 of 24th March 1894,
Mr Narayan Row, Revenue Survey (commte
Revenue Survey), has, as far as
possible, answered the enquiries
on the various points, laid
down by Govt at para 5 of the
decision of Govt of 26th February 1894,
as requiring elucidation.
I entirely agree with Mr
Narayan Row in the decision
he has arrived at as regards
those points, as clearly
detailed in his report, and
it is therefore quite unnecessary
for me to go over the same
ground again. The most
important of the issues is
whether the boundaries given
in the Amildar's measurement
account of 1868, correspond
with those given in the
Inam Register. Mr Narayan Row
shows clearly that the Amildar's
measurement and the boundaries
given in the Inam Register
do not correspond. I confirm
Mr Narayan Row's line of
settlement which is shown

shewn in the
obiter map by a double
dotted red line. As laid
down in Chief Secretary's
letter No. 72.57 / R.T 147-92 of the 10th
March 1894, a copy of Mr.
Narayana Rao's decision
and my confirmation of the
same with the sunnis had to
both parties.

Bangalore } (sd) J.P. Grant
6th April 1895 } Supdt Rev Survey

(2) Correspondence ending with
docket No 1104 of 29th June 1896
from the Superintendent, Mysore
Revenue Survey submitting a
Statement showing the Survey
valuation of certain Inam villages

(3) Records of the case

(4) Petition No 1952 of 26th Jan 1898
from the appellant and the
Respondent in the above appeal
stating that they had agreed to
a compromise, and praying
that it might be given effect to

(5) Letter No 595 of 28th Nov 1898
from the Manager Superintendent
in Mysore, to the Secretary to
the Govt of Mysore, Genl & Rev
Depts.

Referring to your official

forwarding for expression
of opinion a file of papers
relating to the dispute
in regard to the boundary
line between the villages of
Mallapparkallu and Hanu-
mantapuram in Malur Taluk,
I have the honor to state that
the village of Hanumantapuram
is a Devadaya inam granted
for the support of Sri Kodanda
Ramadevaram temple which
is a religious Institution;
the Archak Ramachar,
the respondent in the present
case, being a servant of the
temple and liable to be
removed from office for neglect
of duty or other misconduct,
he has no right whatever
to enter into a compromise
and thereunder relinquish
to the appellant any portion
of the lands belonging to the
temple. I would therefore
recommend that the alleged
compromise be set aside
as one entered into without
authority.

2. The records received with
the reference under reply are
herewith returned.

Statement showing the Survey Valuation of certain Nanu villages.

(3) Records of the case.

(4) Petition No 1952, dt 26.1.98 from the Appellant and the Respondent in the above appeal stating that they had agreed to a compromise and praying that it might be given effect to.

(5) Letter No 595, dt 28.11.98 from the Mugrai Supdt in Mupore - (here enter in extenso

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Order thereon. No. 6189-97 / P.F. 147-92 dt 3.3.99.

On a very careful consideration of the Proceedings and

and after hearing the parties, the Govt are of opinion that the order of the Survey Supdt which has been appealed against is correct and must be confirmed.

2. The mistake originally made with regard to the boundary line of these villages was due to a mis-conception of the judgment of the Chief Court. The Settling Officer of the Revenue Survey Department read the judgment as declaring the possession of the land in dispute to have been with the Nallappanhalli Jodidars. This is not the proper construction to

× in Appeal Suit No 125 of 1884 - Rama Sastri & Kodanda Ramachari and others.

to be put upon that judg-ment. It left the question of ownership quite open. If Written the Jodidars of Nallapanhalli nor the trustee of Hanumantapura produced any relevant record or other evidence tending to a clear solution of the question raised by the parties. As suggested by Govt in their order dated 26th February 1894, the Survey Assistant Commissioner who enquired into the case after it was re-manded, very properly allowed himself to be guided

guided by the measurement list prepared by the Amildar of Malur during the Inam Settlement. All the interested parties were present at the time and Hallappanhalli was represented by its Shanbhog. That document formed the basis of ~~the area~~ of the area of the village accepted by the Inam Superintendent and it is unreasonable that the present Jodidars raise objections to be bound by it. Mr. Narayana Row has, from personal examination, ascertained the correctness of the measurement list

list and identified the stones put up as boundary marks. He refers to a statement of the Jodidars of Boppanhalli, according to which the tri-junction stone marking the boundaries of Hallappanhalli, Boppanhalli and Hanumantapura is identified as stone No. 7 at the point marked B and C in the sketch plan. The reasons for his rejecting the stone at point 4 are cogent and sound.

3. The fact that the Jodidars of Boppanhalli did not, in their statement presented to the Inam

Dam Dept, mention Hammantapen as one of the northern boundaries of their village, cannot affect the respondents in this appeal. It is possible that the omission is a mistake, as was the statement of the Hammantapen trustee, that Mallapanhalli was situated to the west of his village. These errors of description do not affect the real merits of the case which has been properly decided with reference to the measurement list of the Amildar.

4. When the above

Order of Govt was about to be issued in July 1898, the parties presented a Rajinama agreeing to a compromise and praying that it might be given effect to. Under the compromise the appellants would get more than twice the land that they were entitled to under the Survey Supdts decision. The report of the Mysore Supdt read above shows that the Respondent, Archak Ramachar, had no power to enter into a compromise with Appellants, much less to waive the right of

of the Temple to such a large extent of land as is claimed by appellants. The Govt doubt the bonafides of the alleged compromise, and as the Archak had no legal authority to enter into it to the prejudice of the property of the Temple which is under the management of the State Mirasi Deptt., the Govt are unable to accept it.

5. Government accordingly direct that, setting aside the Razinama, the appeal be dismissed and the order of the Supt be affirmed.

hint after issue in M.S. in the Monthly Rec. JR.A.J.

(1) 21

info-mation

READ AGAIN—

Decision of Government, dated 26th February 1894, in Appeal No. 1698 of 1889-90:—

Appellant.		*Respondent.*
Archak Ramachar of Yesvantapur, Malur taluk, Kolar district, represented by Mr. K. T. Narasimmaiengar, Advocate.	*Vs.*	Ramasastri and others, represented by Mr. Venkatramaiya, Advocate.

Decision.—This is an appeal against the decision of the Survey Department settling the boundary of Nallappanhalli, by which the appellant urges that he lost a portion of the village, Hanumantapur, which has been confirmed by the Inam Commission as inam to the Pagoda of Sree Kodandaramaswami of which the appellant is archak.

2. The facts of the case are briefly as follow:—

In 1863 Sura Dikshita, the then Jodidar of Nallappanhalli, complained of encroachment by the manager of the Hanumantapur village and sued to recover (7 acres and 9 guntas) 12 kolagas of land said to have been newly cultivated by the raiyats of Yesvantapur, on the plea that the lands belonged to Jodi Hanumantapur. The panchayats assembled by the shekdar stated that the said land belonged to Nallappanhalli, but the Amildar subsequently made a personal inspection with the aid of a fresh set of panchayats, who declared that the land belonged to Hanumantapur. Eventually the Amildar submitted a report agreeing with the first mahazar, and the Assistant Superintendent, Chikballapur Sub-Division, gave a decision in favor of the Nallappanhalli Jodidar. On appeal, however, the Deputy Superintendent reversed the said decision and directed, on 27th February 1865, that the land should remain in the enjoyment of the manager of Hanumantapur. Boundary stones were fixed accordingly in June 1868.

3. In July 1868, the lands of Nallappanhalli were measured by the Amildar under the orders of the Inam Commissioner. The Amildar's note in the measurement account shows that the boundary marks put up by the shekdar, in June 1868, were then in existence, that one of the boundary stones of Nallappanhalli was in the bed of the tank, and that the boundaries were in accordance with the 2nd mahazar. It further shows that the land which the Jodidar of Nallappanhalli then claimed as having been erroneously included within the marked boundaries of Hanumantapur, was 4 kandies 10 padies (53 acres and 3 guntas) in extent, which included the 12 kolagas decreed by the Deputy Superintendent; that exclusive of the said disputed portion, the lands of Nallappanhalli measured 19 kandies 4 cudo 2½ padies (133 acres and 25 guntas). The Inam Commissioner confirmed this area, and declared that if any area of Nallappanhalli was wrongly included in Hanumantapur, it was too late to correct the error, as no appeal was preferred within the time allowed by the rules. This decision of the Inam Commission was passed in January 1869.

4. Disputes again arose. In 1882, the respondent having obstructed the cultivation of certain lands of Hanumantapur, said to be within the boundaries marked, the then Amildar, Ramanujaiengar (now Police Superintendent in Kolar), inspected the lands and decided that the lands belonged to Hanumantapur. In January 1883, the Jodidar of Hanumantapur filed a suit in the Munsiff's Court against the Jodidar of Nallappanhalli to recover damages for wrongful obstruction to the cultivation of about 2 kandies of land between the bed of Nallappanhalli tank and his (plaintiff's) other lands. The defendant urged that the land claimed was different from the 12 kolagas made over to the plaintiffs by the Deputy Superintendent in 1868. The Munsiff decreed in favor of plaintiff on the ground that the land claimed was within the boundaries of Hanumantapur. On appeal, however, the Chief Court, without going into the merits of the case, dismissed the suit on the ground that it should have been brought to recover possession of the land and not merely damages. In March 1889, the Survey Department settled the boundaries of Nallappanhalli, according to which the area of Nallappanhalli became 255 acres and 15 guntas as against the area of 133 acres and 25 guntas confirmed by the Inam Commission. The area of Hanumantapur, according to the boundaries settled by the Survey, was 92 acres and 9 guntas while the area confirmed by the Inam Commission was 154 acres and 79 guntas. The chief reason urged by the Survey Department for settling the boundaries in this manner was that they were in accordance with the boundaries given in the Inam title-deed.

5. No doubt the boundaries determined by the Survey Department are in accordance with those given in the Inam Register and title-deed, but the appellant's contention is that the boundaries given in the Inam Register were erroneous, that they were in conflict with the decision of the Inam Department and the extent recorded in the Inam Register, and that they differ from the boundaries given of Nallappanhalli in the measurement patti submitted by the Amildar to the Inam Commissioner. Government consider that under all the circumstances above stated, the boundaries given in the Inam Register cannot be

taken as unmistakeable guide. The boundaries given in the Inam Register are in a hand-writing different from that of the Inam Assistant Commissioner who has personally written all the other entries in the Register, and the large difference in the area discovered by the Survey, and that confirmed by the Inam Department, on actual measurement, throws considerable doubt on the accuracy of the boundaries given. The Survey Department account for the large difference in the area of Hanumantapur by saying that Hanumantapur had never been measured prior to the survey and its area given in the Inam Register was not correct, but the Government observe that the area of Hanumantapur given in the Inam Register was also according to actual measurement made by the Amildar at the Inam Settlement.

6. Government therefore resolve to remand the case to the Survey Superintendent for further investigation and a fresh decision with a distinct finding on each of the following points :—

1) Is the extent of 12 kolagas, settled by Deputy Superintendent in 1868, within or without the boundaries now settled, and if without, which was the locality ?

2) Is the 4 kandies and 10 padies of land, specially excluded from the Inam Settlement, within or without the boundaries of Nallappanhalli as now settled by the Survey Department, and if without, which was the locality ?

3) The respondents stated at the hearing that subsequent to the Inam Settlement, a portion of the area of Hanumantapur was included in Lakkenhalli and that accounts for the decrease in the area of Hanumantapur. Is this a fact or not ? If it is not a fact, how can the decrease be accounted for ?

(4) Do the boundaries given in the Amildar's measurement account of 1868 correspond with those given in the Inam Register ?

(5) According to the statement presented by the Inamdars of Nallappanhalli before the Inam Commission, the area of the village, according to their own measurements, was K. S. 18-19-14 * exclusive of the tank bed, which nearly corresponds with the area of the Amildar's measurement (18-19-2½).

Total area	...	20-15-1¼
Deduct—Tank-bed	...	1-15-3¼
Remainder		18-19-14*

On what ground can they now claim more ?

(6) Are there any cheknams or sanads which show the boundaries of Nallappanhalli, and, if so, what are they and do they correspond with those now settled ?

7. The Government believe that if the lands of Nallappanhalli and Hanumantapur be now re-measured with the aid of the Amildar's measurement accounts of 1869, the exact boundaries recognized by the Inam Commission can be easily determined.

By Order,

(Sd.) L. ANANTASAMI RAO,
Under-Secretary.

No. 16402—Pet. F. 147-92, DATED BANGALORE, 24TH MARCH 1894.

Copy forwarded to the Superintendent, Mysore Revenue Survey, with the Proceedings received with (1) Docket No. 3389-676, dated 11th March 1890, from the Deputy Commissioner of Kolar district, (2) Docket No. 37, dated 24th October 1892, from the Superintendent, Inam Settlement, (3) Dockets Nos. 166-14 & 1082-53, dated 13th July and 11th September 1893, from the Registrar of the Chief Court.

READ—

(1) Petition of Appeal No. 129 of 95-96 presented by Ramasastri and others, Jodidar of Nallappanhalli in the Malur taluk against the order of the Survey Superintendent confirming the revised settlement of the boundary dispute between Jodi Nallappanhalli and Mahal Jodi Hanumantapur in the Malur taluk, made by Mr. M. S. Narayan Rao, Assistant Commissioner, Mysore Revenue Survey in accordance with the directions contained in the Government decision read above :—

Proceedings of boundary dispute between—
Jodi Nallappanhalli, Malur hobli, Malur taluk.
and
Jodi Hanumantapur, Malur hobli, Malur taluk.

Area of land in dispute is 84 acres and 22 guntas, of which about 17 acres bear signs of having been cultivated before.

2. The circumstances of the case are mentioned in detail in Proceedings of Mysore Government, dated 26th February 1894, filed with the record by which the case is remanded for fresh decision after recording specific findings on certain issues therein named. Those issues are as follow :—

(1) Is the extent of 12 kolagas settled by the Deputy Superintendent (Kolar district) in 1868 (?) within or without the boundaries now settled, and if without, which was the locality ?

(2) Is the 4 kandies and 10 padies of land, specially excluded from the Inam Settlement, within or without the boundaries of Nallappanhalli as settled now by the Survey Department, and if without, which was the locality ?

(3) The respondent (Inamdar of Nallappanhalli) stated at the hearing that subsequent to the Inam Settlement, a portion of the area of Hanumantapur was included in Lakkenhalli and that accounts for the decrease in the area of Hanumantapur. Is this a fact or not ? If it is not a fact, how can the decrease be accounted for ?

(4) Do the boundaries given in the Amildar's measurement account of 1868 correspond with those given in the Inam Register ?

(5) According to the statement presented by the Inamdar of Nallappanhalli before the Inam Commissioner, the area of the village, according to their own measurement, was kandies 18-19-14 exclusive of the tank bed, which nearly corresponds with the area of the Amildar's measurement, *viz.*, K. 18-19-2½. On what ground can they now claim more ?

(6) Are there any "Cheknams" or sanads which show the boundaries of Nallappanhalli, and, if so, what are they and do they correspond with those now settled ?

2. Government at the same time threw out a suggestion that if the lands of Hanumantapur and Nallappanhalli be now re-measured with the aid of the Amildar's measurement account of 1868, the exact boundaries recognised by the Inam Commission can be easily determined. I inspected the land in the presence of the parties, and acting on this suggestion of Government followed the measurements in the Amildar's statement and where necessary re-measured bits of land, with what result will be stated hereafter.

3. For the sake of convenience, I prefer taking up the issues not in the order in which they are mentioned in the Proceedings of Government, but in the order in which they present themselves for determination.

4. Taking the 6th issue first, I find there are no sanads or "Cheknams" which show the boundaries of Nallappanhalli. We have, therefore, to base our decision upon other evidence on the subject.

5. The Nallappanhalli Inamdar states with reference to the 5th issue, that, although the land he claims, together with the undisputed portions of Nallappanhalli village, makes the total area greater than the area claimed by his predecessors in title, in the Inam statement presented before the Inam Commissioner, he claims the land in dispute, because it is in his enjoyment. This is not a very satisfactory explanation ; and as to the enjoyment of land, there is no satisfactory evidence on either side, because the land has been waste for a long time. This disposes of the 5th issue.

6. In regard to the 3rd issue, the Inamdar of Nallappanhalli produces two extracts from the order register of the Malur taluk, to show that some portion of the Hanumantapur land was included in Lakkenhalli village. One of these bears no date. The other is dated 9th November 1890, and refers to a tree in a tope which the Hanumantapur Inamdar claimed to be his, but in regard to which the Amildar did not pass any definite orders. He left the matter to be decided when a Regular Petition, whatever that may mean, came before him in regard to any other trees in the tope. This order does not in any way indicate that the tope land formerly belonged to Hanumantapur and was excluded from that village subsequent to the Inam Settlement. I inspected the tope ; it is now excluded from the Hanumantapur village. Its area is however about 5 acres, and it does not in any way explain the large decrease in the area of Hanumantapur noticed in the 3rd issue. I may also state that this tope is not mentioned in the Amildar's measurement statement of 1868, and its exclusion seem to date back to the Inam Settlement which was based on that statement. The extract without date refers to a complaint about one of the boundary stones between Lakkenhalli and Hanumantapur having been removed. That stone is now in its place. I find this issue against the Nallappanhalli Inamdar.

7. I now come to the most important of the issues framed *viz.*, the 4th. The boundaries given in the Amildar's measurement account do not correspond with those given in the Inam Register. In the Amildar's statement, the boundaries given are as follow :—

(*a*) East—Lane by which cattle pass between Kadadenhalli and Nallappanhalli and Vaman mudre stone.

(*b*) West—Chekra sasana stone, boundary between Hanumantapur, Nallappanhalli and Lakkenhalli.

(*c*) South—West of the above, one stone, three cornered, and without any inscription. It is the boundary stone between the Nallappanhalli, Hanumantapur and Boppanhalli villages.

(*d*) North—Linga mudre stone, between Nallappanhalli and Lakkenhalli.

(*e*) West of this, chekra stone, also sun and moon carved thereon.

(*f*) South—Sasana stone between Boppanhalli and Nallappanhalli situated near the Yelagan tope.

In the Inam Register, no stones are mentioned, but the following details are given:—

1. North—Circar Lakkenhalli and Jodi Hanumantapur villages.
2. East—Circar Kadadenhalli village.
3. South—Jodi Boppanhalli.
4. West—Two ponds one of which is known as Narazukunte and the other Dasankunte.

These details correspond with those in the statement presented by the Nallappanhalli Inamdar, which former appear in fact to have been copied from the latter. The two ponds mentioned in the Inam Register and title-deed and in the Inamdar's statement to the Inam Commissioner, are not mentioned at all in the Amildar's measurement list.

8. The Nallappanhalli Inamdar says he cannot be bound by the Amildar's measurement statement of 1868, as it does not contain the signature of his predecessor in title. But this objection is not tenable as the statement bears the signature of the shanbhog of Nallappanhalli village, and nothing is alleged to show that it is not genuine or that it does not disclose the true state of affairs. In fact, the decision of the Inam Commissioner is based on this statement and it is the only one that is of any use in leading to a decision in the matter. Of the stones enumerated in this statement, mark (*a*) is in the lane which forms the eastern boundary of Nallappanhalli; mark (*b*) corresponds with mark 1 shown in the sketch of the land in dispute; mark (*c*) similarly corresponds with mark 3 in the sketch; mark (*d*) is on the northern boundary of Nallappanhalli and is now marked on the sketch; mark (*e*) and mark (*b*) appear to refer to the same boundary stone, *viz.*, mark 1 shown in the sketch and mark (*f*) is found near the southern boundary as now shown in the sketch, but is loose, and evidently has been dug up either for purposes of identification or shifted to its present place from another point. There is a dispute about it and close to it there is another boundary stone of the Boppanhalli village. The boundary stones mentioned in the Amildar's statement are thus all identified and are the only reliable data that one can go upon in this case.

9. In the statement presented by the Boppanhalli Inamdars to the Inam Commissioner the Inamdars have stated that there are seven boundary stones, Vaman mudre stones, on the northern boundary of their village. These seven were pointed out to me and are as follow:—

* (1) and (2) Vaman mudre stones between Kadadenhalli and Boppanhalli.

(3) do near the tri-junction of Kadadenhalli, Nallappanhalli and Boppanhal

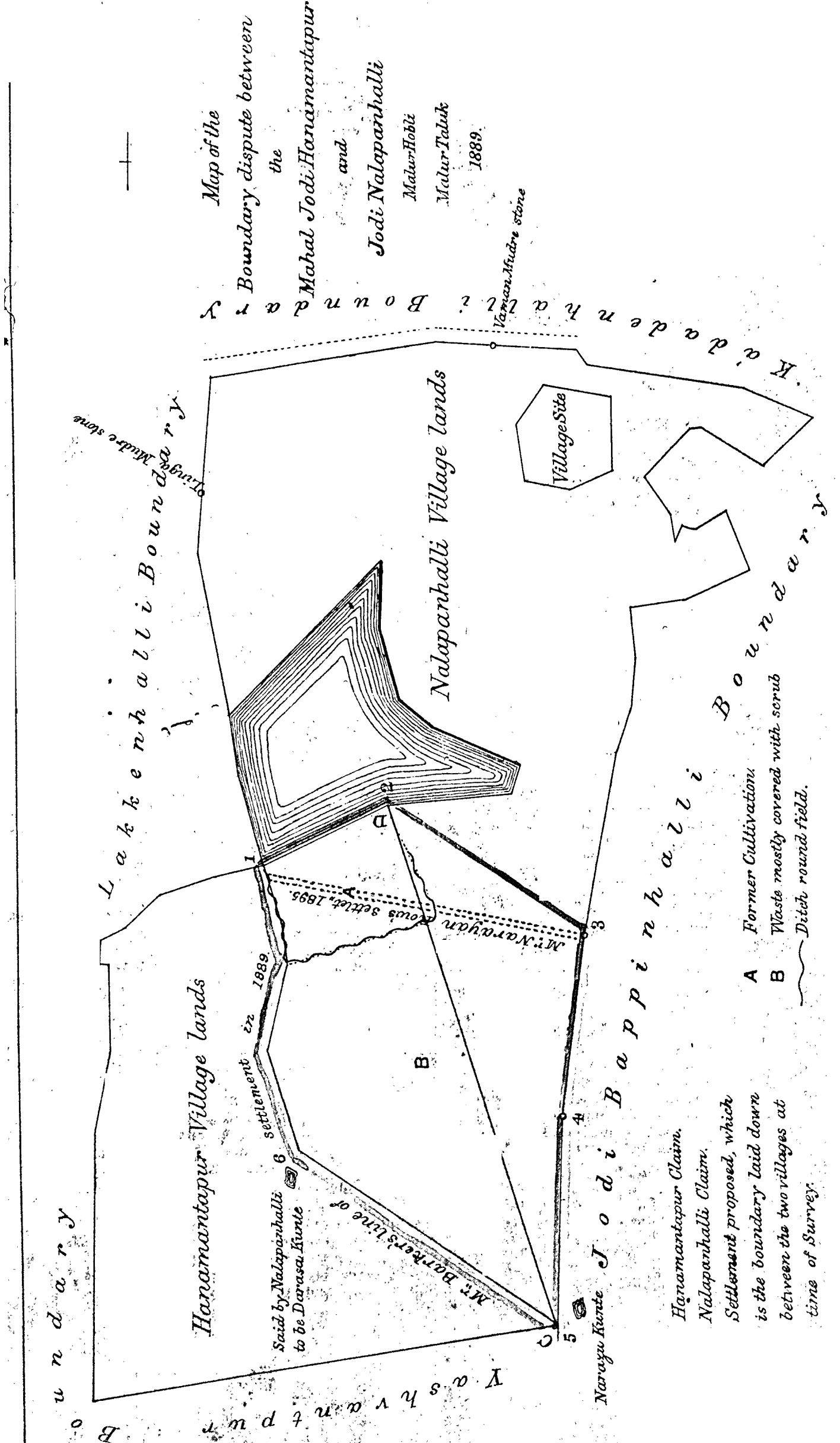
* Not shown in sketch as having no connection with the dispute. (Sd.) M. S. N.

(4) At point marked *f* on the sketch where, as already stated in the preceding paragraph, there is a stone with a "Chekra" inscribed upon it. The Boppanhalli stone has no inscription. If it had any, it has become obliterated.

(5) A similar stone belonging to Boppanhalli containing no distinct marks.

(6) and (7) are three-cornered stones of which (6) is a small one and could be shaken when I examined it, showing that it had been either examined to its very bottom or tampered with; and (7) is a big stone which was admitted before me by the Boppanhalli Inamdars as the tri-junction between Boppanhalli, Nallappanhalli and Hanumantapur. It is this stone that is mentioned in the Amildar's statement of 1868 as being the said tri-junction. The Nallappanhalli Inamdar stated that the southern boundary of his village runs up to the 7th stone mentioned by the Boppanhalli Inamdars in their statement to the Inam Commissioner, and by a strange coincidence, this 7th stone corresponds with the three-cornered stone mentioned in the Amildar's statement as the tri-junction between these three villages. There is, however, one point upon which the Nallappanhalli Inamdar lays some stress, and it is that in the Boppanhalli Inamdar's statement to the Inam Commissioner, Hanumantapur is not mentioned as one of the villages bounding Boppanhalli on the north. This was probably owing to a mistake on the part of the Boppanhalli Inamdars. If the doubtful small three-cornered stone No. 6 is rejected, the stone at point * 4 in the sketch becomes the 7th stone of the Boppanhalli village, and the Nallappanhalli boundary would then run up to that point. I am, however, of opinion that

* Point 4 marked in ink on sketch and not so at (4) marked in blue pencil on sketch. (Sd) M. S. N.



though the stone at this point 4 is without doubt an old boundary stone, it is not the tri-junction between Boppanhalli, Nallappanhalli and Hanumantapur and the three-cornered stone at point 3 in the sketch is, as stated in the Amildar's statement, this tri-junction.

10. The Hanumantapur Inamdar states in his statement to the Inam Commissioner that there are two Chekra sasana stones on the eastern boundary of his village between Hanumantapur and Nallappanhalli. One of them is at point 1 in the sketch and the other is stated to be somewhere near point 2 in the sketch, but is not forthcoming now. The three-cornered stone at point 3 is not mentioned by him. The omission is significant, but in my opinion not sufficient to reject it as not being the tri-junction it is said to be.

11. On following the measurements given in the Amildar's statement of 1868, I find there are two blocks of parambok to the west of the waste weir of the Nallappanhalli tank. They measure 7 kolagas 10½ manas and 8 kolagas 15 manas respectively, making a total of 16 kolagas 9½ manas of parambok land belonging to the Nallappanhalli village to the west of the waste weir of the tank of that village, equivalent to 10 acres and 39 guntas. These two blocks are still waste and on measuring them now, I found the area to be 11 acres and 10 guntas, which very nearly corresponds with the old area. No other parambok land is stated to be situated in this part of the Mallappanhalli village. I have, therefore, no hesitation in finding that the three-cornered stone at point 3 in the sketch is the tri-junction between Hanumantapur, Nallappanhalli and Boppanhalli.

12. It now remains to be settled whether (issues 1st and 2nd) the 12 kolagas of land about which a decision was passed by the Deputy Commissioner of Kolar in 1863 in favor of the Hanumantapur Inamdar, and 4 kandies of parambok land about which a dispute was raised at the time of the Inam Settlement but which was excluded from the Nallappanhalli village, are within or without the boundary of Nallappanhalli as now (in 1889) settled by the Survey Department. The boundary marks erected under the orders of the Deputy Commissioner of Kolar are not in existence now and it is not possible to say which was the exact line of boundary that was adopted on those two occasions. On inspecting the land, I find that out of the area in dispute, the land marked A in the sketch is the only spot that was once cultivated and is now waste. It measures now 16 acres and [illegible] guntas, and 12 kolagas out of this, or very nearly 8 acres, appear to have been adjudged in 1863 to have belonged to Hanumantapur. This bit of land is stated to be lying to the south of the tri-junction stone marked 1 in the sketch and taking all the circumstances of the case into consideration, about half of the once cultivated land or that part of it that lies to the west of the line drawn from point 1 to point 3 appears to have been the land adjudged as belonging to Hanumantapur. No uncertainty, however, exists about the situation of the 4 kandies and odd of parambok referred to in the 2nd issue. In the Amildar's statement it is mentioned immediately after the parambok land mentioned in para 11 and the parambok in dispute is the only block that answers to the description given of it in the statement, as the area therein given very nearly corresponds with the parambok area now under dispute. The whole of it is now included in Nallappanhalli and ought to be included in Hanumantapur, as it was excluded from the former at the Inam Settlement.

13. If these findings are approved of, their result will be that out of the land in dispute 12 acres and 5 guntas go to the Nallappanhalli village and the rest to Hanumantapur.

14. The above findings are evidently at variance with the conclusions arrived at by Mr. Barker, Assistant Settlement Officer, who settled the dispute in 1889, but the Amildar's measurement statement of 1868 and other papers, since produced, upon which the above findings are based, were not before him and no reasons were assigned to him for questioning the correctness of the boundaries given in the title-deed of Nallappanhalli.

15. The vernacular records and other papers connected with this dispute are herewith re-submitted.

Bangalore,
29th September 1894.

(Sd.) M. S. NARAYAN RAO,
Asst. Comr., Mysore Rev. Survey.

The line of boundary as now decided in accordance with the above findings is shown in sketch by a double dotted red ink li[illegible]

CAMP ULVI, *Sorab Taluk,*
18th February 1895.

(Sd.) M. S. NARAYAN RAO,
Asst. Comr.

I find that in the above Proceedings carrying out the investigation directed in the decision of Government of Mysore of 26th February 1894, conveyed to me under order No. 16402—Pet. F. 147-92, dated 24th March 1894, Mr. Narayan Rao, Assistant Commissioner, Revenue Survey, has, as far as possible, answered the enquiries on the various points, laid down by Government at para 5 of the decision of Government, dated 26th February 1894, as requiring elucidation. I entirely agree with Mr. Narayan Rao in the

decision he has arrived at as regards those points, as clearly detailed in his report, and it is therefore quite unnecessary for me to go over the same ground again. The most important of the issues is whether the boundaries given in the Amildar's measurement account of 1868 correspond with those given in the Inam Register. Mr. Narayan Rao shows clearly that the Amildar's measurement and the boundaries given in the Inam Register do not correspond. I confirm Mr. Narayana Rao's line of settlement which is shown in the accompanying sketch map by a double dotted red line. As laid down in Chief Secretary's letter No. 7257—R. F. 147-92, dated the 10th November 1894, a copy of Mr. Narayan Rao's decision and my confirmation of the same will be furnished to both parties.

Bangalore,
6th April 1895.

(Sd.) J. P. GRANT,
Supt., Rev. Survey.

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(2) Correspondence ending with docket No. 1108, dated 29th June 1896, from the Superintendent, Mysore Revenue Survey, submitting a statement showing the survey valuation of certain Inam villages.

(3) Records of the case.

(4) Petition No. 1952, dated 26th January 1898, from the appellant and the respondent in the above appeal stating that they had agreed to a compromise, and praying that it might be given effect to.

(5) Letter No. 595, dated 28th November 1898, from the Muzrai Superintendent in Mysore, to the Secretary to the Government of Mysore, General & Revenue Departments.

Referring to your official memorandum dated 18th November 1898, forwarding for expression of opinion a file of papers relating to the dispute in regard to the boundary line between the villages of Nallappanhalli and Hanumantapur in Malur taluk, I have the honor to state that the village of Hanumantapur is a Devadaya inam granted for the support of Sree Kodandaramadevaru temple which is a Muzrai institution; the archak Ramachar, the respondent in the present case, being a servant of the temple and liable to be removed from office for neglect of duty or other misconduct, he has no right whatever to enter into a compromise and thereunder relinquish to the appellant any portion of the lands belonging to the temple. I would, therefore, recommend that the alleged compromise be set aside as one entered into without authority.

2. The records received with the reference under reply are herewith returned.

No. 6189-97—P. F. 147-92, DATED BANGALORE, 3RD MARCH 1899.

ORDER THEREON.—On a very careful consideration of the Proceedings and after hearing both the parties, the Government are of opinion that the order of the Survey Superintendent which has been appealed against is correct and must be confirmed.

2. The mistake originally made with regard to the boundary line of these villages was due to a mis-conception of the * Judgment of the Chief Court. The settling officer of the Revenue Survey Department read the judgment as declaring the possession of the land in dispute to have been with the Nallappanhalli Jodidars. This is not the proper construction to be put upon that judgment. It left the question of ownership quite open. Neither the Jodidars of Nallappanhalli nor the trustee of Hanumantapur produced any relevant record or other evidence tending to a clear solution of the question raised by the parties. As suggested by Government in their Order dated 26th February 1894, the Survey Assistant Commissioner, who enquired into the case after it was remanded, very properly allowed himself to be guided by the measurement list prepared by the Amildar of Malur during the Inam Settlement. All the interested parties were present at the time and Nallappanhalli was represented by its shanbhog. That document formed the basis of the area of the village accepted by the Inam Superintendent and it is unreasonable that the present Jodidars raise objections to be bound by it. Mr. Narayana Rao has, from personal examination, ascertained the correctness of the measurement list and identified the stones put up as boundary marks. He refers to a statement of the Jodidars of Boppanhalli, according to which the tri-junction stone marking the boundaries of Nallappanhalli, Boppanhalli and Hanumanta-

*In Appeal Suit No. 125 of 1884. Ramasastri *vs.* Kodanda Ramachari and others.

pur is identified as stone No. 7 at the point marked 3 and C in the sketch plan. The reasons for his rejecting the stone at point 4 are cogent and sound.

3. The fact that the Jodidars of Boppanhalli did not, in their statement presented to the Inam Department, mention Hanumantapur as one of the northern boundaries of their village, cannot affect the respondents in this appeal. It is possible that the omission is a mistake, as was the statement of the Hanumantapur trustee that Nallappanhalli was situated to the west of his village. These errors of description do not affect the real merits of the case which has been properly decided with reference to the measurement list of the Amildar.

4. When the above order of Government was about to be issued in February 1898, the parties presented a Razinama agreeing to a compromise and praying that it might be given effect to. Under the compromise the appellants would get more than twice the land that they were entitled to under the Survey Superintendent's decision. The report of the Muzrai Superintendent read above shows that the respondent, archak Ramachar, had no power to enter into a compromise with appellants, much less to waive the right of the temple to such a large extent of land as is claimed by appellants. The Government doubt the *bonâ fides* of the alleged compromise, and as the archak had no legal authority to enter into it to the prejudice of the property of the temple which is under the management of the State Muzrai Department, the Government are unable to accept it.

5. Government accordingly direct that, setting aside the Razinama, the appeal be dismissed and the order of the Superintendent be affirmed.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts, for information.
The Superintendent, Mysore Revenue Survey, with the entire records.

Exd.—H.A.R.

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 3rd March 1899

No. 6189-97
P. F. 147-92

Dismissing the appeal of Ramasastri and others, Jodidars of Nallappanhalli, Malur taluk, regarding the boundary dispute between Nallappanhalli and Hanumantapur Jodi villages.

SBP—22-3-99—200